

Closed Caption Log, Council Meeting, 04/30/09

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Mayor Wynn: Good morning, I apologize for the delay this morning, it's my perspective to welcome pastor tom goodman, hillcrest baptist church, who will lead us in our invocation, please rise.

Lord, you commanded your people to seek the peace and prosperity of the city. And to pray for it. Father, I thank you for the privilege you give me and my savior to come to you in prayer and ask your favor on these leaders and all of those who helped them. Give them wisdom when work gets complex, give them patience when the work gets contentious, give them stamina when the work gets hard. I know that each of them has a life and a family outside of this job and so bless their lives and their families. Joined this building. May -- beyond this building. May all of us see your grace towards us and acknowledge it. Amen.

Mayor Wynn: Thank you, pastor.

Council, without objection, before I call this meeting to order, i would like to take the opportunity to gather here, particularly the upper city management and our public health officials to ask Mr. David lori to perhaps give us a simple update as to -- to the issues regarding the flu. We've had sort of daily briefings with the media in the last couple of days. As a layperson, looking in on -- on the interagency communication between our public health officials, the private medical community, the intergovernmental communication, I think it's stellar. And I think -- I think our professionals are following this very prescribed series of protocols when it comes to dealing with flu. It's a practice, procedure, that they have been planning for events like this for years. It gets updated and improved -- you know, on a constant basis. So -- so I -- I continue to encourage folks that there's no reason for us to -- to significantly alter our daily routines other than some common sense hygiene issues like washing our hands more frequently. With that I would like to David laurie to perhaps give us some updates.

We appreciate your efforts, Mayor, to support us in getting important messages out in the community. Really the most important element of this is an informed public. People being well-educated. Taking the appropriate prevention measures and basically protecting themselves and their family members. As you all are well aware, we have a novel flu virus referred to sometimes at the swine flu, north american flu or H 1 N 1, basically the bOttom line is that it is a novel virus so that is of concern to public health officials. We're monitoring it very closely. As the Mayor mentioned, we've planned for quite an extended period of

time related to public health threats in the community and we are systematically applying and implementing that plan as we work through this -- this experience. It is a changing environment. I think it's very important for people to recognize that -- that we get new information on a daily basis, but again we are adapting our actions, our interventions, along with all of our partners based on that information. We hear regularly from state and federal officials. We have all of our partners engaged and just as has been the case with our response to various challenges in the community, our school districts, the county, our health care community, our hospitals and so forth, have been just -- just outstanding in terms of the coordination, the support, as we have -- as we've worked through this. We have heightened our surveillance efforts, again through the health care delivery system. Doing much more testing, in terms of potential case finding. Right now as of yesterday or last night, the latest numbers we have are 91 laboratory confirmed cases nationwide. And 16 confirmed cases in the state of Texas. We have no laboratory confirmed cases in Austin or Travis County. We do have one that's referred to as a probable case that has gone through a series of the screening tests that are done and the final step in that process is confirmation from the lab at the Centers for Disease Control and Prevention. And it takes a couple of days to -- to get that result from them. But because of the concern about this being a probable case, we have worked very closely with the Austin Independent School District because this involves a child that was in the school system and they took action yesterday, as I'm sure you are aware, to close the Lucy Read elementary school until May 11. As a precautionary measure. So again I think, you know, important to reiterate the Mayor's message, we are watching this very closely, we are continuing to adopt as we -- adapt as we proceed, but we do not have a major crisis in our community associated with this. Our system is responding appropriately and again I think that it's very, very important to reinforce the prevention of messages. Things that individuals can -- can do. Cough or sneeze, cover, use a tissue, discard that -- that tissue, wash hands regularly, if soap and water is not available, use hand sanitizers. Try not to touch your eyes, nose, so forth, because that's the beginnings of contracting it. Avoid contact with individuals who are exhibiting symptoms and if you yourself have symptoms, stay home and self-isolate. So as not to potentially expose others. Finally, if you are experiencing symptoms, flu-like symptoms, consult with your health care provider because the testing is available and there are anti-virals that are very effective, potentially in reducing the severity of the disease. So -- so with that, Mayor, that summarizes where we are at the moment.

Great, thank you, Mr. Lori. I also want to commend AISD's school officials and really all of the regional school officials also very well coordinated with the information as you heard David mention. One special sort of the pre-K campus at AISD has been closed. A fifth grader heard me talking about the fact that we shouldn't significantly alter our daily routine and she of course looked at me longingly, was hoping to get out of her TAKS test this morning. But fifth graders in AISD are taking their science TAKS test this morning, good luck to all of them, thank you. Council Member Leffingwell?

Leffingwell: I just want to say one of the preventive measures that can be very effective, even though the stand flu shot does not protect specifically against swine flu, it does significantly mitigate the effects. If you have had a flu shot you won't be as impacted if you are exposed to swine flu. If you haven't had one, maybe you should think about getting one.

Mayor Wynn: Anything else? Okay, so I guess -- I appreciate that, thank you, David. There being a

quorum present, at this time I will call to order this meeting of the austin City Council, it is thursday, ap 30th, 2009. We're here at the Council chambers of the city hall building, 301 west second 35 a.m. Council, before I walk through a handful of changes and corrections to this week's posted agenda, we try to take this opportunity each meeting to -- to -- to alert our colleagues or the public about the potential items from Council or initiative that's we see on the horizon. Council Member Morrison?

Thank you, Mayor. A couple of weeks ago, i talked about, we had actually a joint resolution along with Council Member Cole and the Mayor that was being passed not only by the city, but also by the county and the school district. To actually work together on common initiatives where collaboration was going to be an important key. I wanted to report that we have met again and have selected some specific projects that were going to be moving forward on together. In the coming year, these are projects that were recommended actually by both our families and children's task force as well as the city -- excuse me, as well as the school district community committee on neighborhood schools. So we really are starting to focus in on these three. One is to work on a housing assistance plan, rental assistance so that -- so that we can hope to decrease student mobility in the school district because students' mobility is a real challenge to success to academic success. The second is to develop a -- a -- an educational impact assessment tool so when we as policy makers are looking at decisions on -- regarding the development, we will be able to take into account and be more informed on the interplay between development and the -- the schools. Then the third is what our assigned judge, county judge biscoe calls truancy plus, that is to look at some of the root causes and solutions to truancy for instance after school programs and summer programs because we have quite a few of those that all of us support, we want to -- for all of these issues, all of these initiatives look at best practices, do an an inventory of what's going on now, then -- then come up with some recommendations. I want to thank the staff for working with us very closely from all three jurisdictions. And then another opportunity we're hoping to really investigate is whether or not there might be stimulus funds to help some of these specific initiatives. So I'm really excited to report that we're moving forward on some very concrete actions. Thank you.

Council Member shade, for those of you who don't know, national bicycling month STARTS MAY 1st. I can't believe it's may. In conjunction with that, our office has been working health officers and cyclists in our community in order to bring something forward may 21st in connection with the bike plan that is going to be presented that same day. Our focus is about really focused on combating bicycle theft which has gone up quite a bit. In university towns especially important that we focus on that. Looking at ways to aid and recovery and work with -- with all of the various stakeholders to help combat bicycling theft. THAT MAY 21st, HAPPY Biking month.

Thank you. Further up in coming initiatives, items? Thank you all. Council, with that, I would like to read into the record our changes and corrections to this week's p agenda. Note on item 46 should have been posted as approving second and third reading of an ordinance. On 54 we should note that the planning commission recommendation is to grant family resident historic neighborhood conservation combining district neighborhood plan, or sf 3 hnccd-np combining district zoning. That's item no. 54. We will take it up later this afternoon. 64 we should thought that it comes from the planning commission and parks board. On the schedule this morning, after the consent agenda, likely there will be a discussion item or

two, we may go into closed session that I will announce later. At noon we will take up our general citizens communication. 00, we will have three staff briefings of the -- the first on austin energy's public participation process regarding the co 2 or carbon dioxide reduction plan. Also a briefing regarding the upcoming strategic mobility program or transportation program. And then we will also have a briefing regarding austin's response or application, if you will, for federal stimulus dollars. Sometime in the middle of 00, we will technically recess the City Council meeting, take up a brief meeting of the austin housing finance corporation,, we will conduct all of our zoning matters. 30, We break for live music and proclamations as usual. Our music today is ryan harkrider, so stay tuned for ryan. 00, we will conduct our public hearings. So far, Council, only -- item 25 regarding street closures has been pulled off the consent agenda by Council Member leffingwell, we will take up that discussion in a few minutes. 29 is off of our consent agenda as it relates to an executive session discussion regarding special districts east of town. 31, will be off our consent agenda because we will take that up after we have our performance review of our City Manager in closed session. And then later just noting 48 zoning case, we will pull off the -- the likely proposed consent agenda -- consent zoning agenda as -- as there's been a lawsuit filed on that case and I think we're going to get a briefing likely from our law department. So, Council, so far, essentially, items -- only items 25, 29, and 31 have been removed from the consent agenda. Any additional items to be pulled? If not, then I'll propose a consent agenda numerically. Our proposed consent agenda this morning will be to 1, which are the minutes of a couple of previous meetings. From austin energy, approving items 2, 3, and 4. From our contract and land management departments, approving items 5, 6, 7, 8, 9, 10, 11, 12, 13. From our parks and recreation department, approving items 14, 15, and 16. From our police department, approving items 17, 18, and 19. From our purchasing office, approving item 20, which relates to -- to austin energy's item no. 3. Also approving item 21, 22, 23, and 24. From our transportation department we will be approving items 26 and 27. Once we get a motion and a second on the table, staff would like to give us a quick briefing on item 26, the pass through finance program. We will also be approving as part of our consent agenda from our watershed protection and development review department, approving item 28. 30 are the nominations to or board and commissions that I will read into the record. Are to the building and standards commission, stacy [indiscernible] Council Member Cole's nomination. And to the long center board of trustees, John morgan and lewis Patino are Council nominations. And then confirming that the nominating committee for the city auditor will be Council Member Cole, Morrison and shade, as well as City Manager marc Ott anager John keel are the Council nominations for the nominating committee for new city auditor. So those will be part of 30 on our consent agenda. We will also be approving item 32, 33, 34, and 35. We will be setting the public hearings by also approving items 36, 37, and 38. I'll entertain a motion on that proposed co agenda. Motion by Council Member Cole, seconded by Council Member Morrison to approve the consent agenda as proposed, Council, before I ask for Council comments and a quick staff briefing, we do have a couple of folks -- actually, I think it would be appropriate for us to hear the staff 26 in advance of hearing comments from the public. So welcome, Mr. Rob Spiller.

Thank you, Mayor, Rob Spiller with the austin transportation department. I want to draw your attention to item no. 26. It's a request to Council to authorize staff to apply for pass through financing. Pass through financing is a funding technique that the state has authorized and recently put a call for an

additional \$300 million in projects that allows local entities and also private entities to propose to advance fund certain transportation projects of regional significance. And we are propose being to take advantage -- proposing to take advantage of that on a very significant bottleneck here in the austin community that i think has snarled traffic for a number of years, that is the unfinished interchange at mopac and ben white boulevard. If you have gone through that interchange, you know that you can go from the north to the west but you can't go from the south to the east and vice versa, east to the south. That directly puts traffic trying to make that move to 35 from the south into a number of city intersections causing air quality and potential water quality difficulties. We know that it definitely snarls our neighboring community of sunset valley. And creates a lot of extra time of congestion with the network. This would be a major removal of a bottleneck that's within our community. Txdot, texas department of transportation, previously this year has announced that they are moving forward to complete the I-35 and ben white interchange. Those two significant bottlenecks being removed from our network will significantly improve mobility throughout the south in austin. There's also a transit opportunity here as well. Transit has difficulty providing service into the south mopac area because of the unreliability of these two ramps. Without being able to get through this interchange reliably, it is difficult to commit transit vehicles, buses to that south mopac area and get them back into service reliably. In discussions with capital metro, they have indicated that they would be very interested in extending transit to that area, with this, allowing their buses to drop into the south lamar corridor. . . I just wanted to draw your attention to this. We will come back to Council to -- to discuss the financing part of this, but we would like to -- to move forward with the assurance that Council backs this concept of pursuing this -- this type of financing. The City of Austin has never pursued this type of financing before. I think that's important to understand. Other cities, other smaller communities have made very good use of this program. In fact the first time txdot made this call the moneys were exhausted within a year. The opportunity to pursue state money in a payment format is just an opportunity to [indiscernible] do you have any questions?

Mayor Wynn: Thank you, Mr. spiller. Questions for staff on item 26, Council? Thank you all. Council, we do have one citizen that wanted to give us testimony on the combined items 3 and 20, but perhaps before I call gillian harris, we could have a quick staff briefing on this essentially a customer billing system. Wel roger Duncan.

Thank you Mayor and Council. I have a presentation from last week. It's several slides, but I'm just going to hit the highlights of a few slides very quickly for you. This item is the approval of a new customer information system. The customer information system bills 450,000 customers a month for the City of Austin over several departments with revenue of \$1.5 billion a year. The system has we currently have is the -- provided by vertex using a product called ecis. We currently spend 5 million a year for the cost of this contract with vertex. That's an average cost per 30 per month. This contract expires in the year 2011. And the reason that we want to replace this system or -- are several. One of the primary reasons is that this current system is really outdated in our opinion. Our current solution is at least a 10-year-old technology. It's based on code written in the 1980s. It was implemented in 1999, it's heavily customized, and the vendor is unable to perform upgrades to our current billing system. It's used by only us and five other clients and our -- the City of Austin is -- is the only client using our particular version. There is a significant risk that vertex will make a business decision not to continue support of this product after that contract expires in october of 2011. We have concerns about the stability of the

system within the last eight months we have experienced eight missed service level agreement objectives. In february or march of this year, there were issues with billing cycles, two billing cycles where bills had to be rerun and remailed at an average of 23,000 per event. So we feel that we need to -- to replace the system and in addition the new system will provide a very large increase in the -- in functionality of the system. In addition, it will cut the average cost per billed customer by about 50%. 70 per month per customer to -- to around 70 cents per month per customer. I won't go through all of the increased functionalities. I will simply say that it allows us to do such things as group billing for customers to change the due date on their -- on their bills, the chilled water billing system as currently done by hand for bill -- for buildings such as the one we're in and others can be put on the system. We can start to give energy efficiency rebates on the billing system rather than mailing out the thousands of rebate checks that we do individually. It would allow us to move eventually to the time of use rates and dynamic pricing and the other things in the so-called smart grid that you have heard about -- about being developed around the nation. This -- this program has been -- this effort has been underway for almost two years now. Started back in 2007, we spent extensive time with all of the city departments showing them demonstrations of the various options. It has been somewhat delayed because the original vendor bearingpoint raised their -- our original recommendation was bearingpoint, they raised their prices significantly just a couple of months ago, we moved to the second proposer, shortly after that, bearingpoint did file for chapter 11 bankruptcy and our current recommendation then is ecis, our -- our current recommendation is an Oracle solution provided by IBM And implemented and hosted by IBM On the item today is approval of both that solution as well as a budget amendment and -- in support of that. There will be an additional Council item in the future for leased office space for the project team to be put in place. Other questions?

Mayor Wynn: Duncan, having a good briefing with, my question posed to her and the City Manager was, you know, a few weeks ago we had a -- a pretty heated discussion about the city's new web site, web page and so just once again I want to hear public assurance that this by choosing this customer billing system doesn't have any upstream affect, good or bad, on the decision about what ultimately might be our interface with -- larger interface with the public, that being the city's web site.

No, it should not affect at that all, Mayor.

All right.

Mayor Wynn: Lastly, i want to point out, so the -- will this system also likely give us as a utility the ability to give a lot of additional information to our consumers? That is I happen to live in a multi-family project, a building downtown. And so we're submetered. So I don't get an austin energy bill. I get a bill from my building. With that I get a lot of great information, here's my bill from last month. Exactly how many kilowatt hours used, but also compares my unit to all of the other units in my building that have the exact same footprint, the same size. So my kids and I get to compare what our -- not only our bill, but also our kilowatt hours used that month are compared to, say, the average unit in the building. So if -- you know, sort of this nice way to have sort of friendly competition about how low can you drive 19 last month, which is way up by the way. But is almost exactly half the average per square foot consumption of the rest of the building. So it's just -- I just think if more consumers had more information like this, then they

would see efficacy of some simple demand side management with programmable thermostats or solar screens or CFL's or whatever we might be able to offer them. So my instinct is with this much money in this new generation of technology, we can help consumers understand their electric consumption much better and ultimately drive down their utility bills.

That's correct, Mayor. This -- this new billing system will allow us to add information capacity, additional line items, graphs, so forth to the bill. We have not made any decisions, of course, of what those additional items or information would be. And in relation to that, but our current billing system, you simply can't add another line to it without a tremendous amount of efforts and expense. So this will greatly expand the capability of the billing system in terms of providing information to the customers and we will decide as we go forward over the years what types of demand side management and other information we start providing them with.

Mayor Wynn: Great. Further questions for Mr. Duncan? Council, we do have one citizen that would like to give us some feedback. Is -- I think it's Gillian, is Gillian Harris still here? Harris, please approach the podium, you will have three minutes.

Nice to be in front of all of you today. I'm Gillian Harris, I'm a citizen of Austin, I live up in Allendale, also a 15 year veteran in enterprise applications specifically focused on billing. I feel like that as -- let's see, I'm here to say that this project can be done for significantly less and it's fraught with contradiction to the values that the city -- as part of the Pecan Street project, this should showcase the nature of Austin progressive technology. To implement and manage an Oracle software solution is a major disappointment and it's not progressive. At all, it also appears that the selection committee and the city did not require an Austin based technology committee be used in this build. With all due respect to the selection committee, seems that when they developed the, they may not have fully understood what solutions were available to them and went with the safe bet and big name. If they had been better educated about enterprise software applications, they would have considered service oriented architecture, web services and open source software. Open source software, which carries no license fees, provides access to the source code, and allows for free and open community development is starting to surpass proprietary or closed software such as this solution in large corporation goes and government entities around the globe. It does this because it is more reliable, cheaper to install and manage and is built using the latest technology innovation. France, for example, has shown that by adopting open source technologies for their government entity, they have significantly lowered expenses while at the same time building a local community of developers that can support and progress the local economy. This local community development expands the local economy, meaning that more of Austin's taxpayer dollars will stay here within the city. With this Oracle IBM Solution, the city will not own the source code, which is key. Having access to the source code means complete control over the solution. And our city will be beholden to a typical proprietary software and vendor lock-in model, which means that we will be subjected to whatever Oracle sees is the product upgrade path and whatever they feel the life span of the products should be. Will have an interest in change management to make additional and -- change management are unforeseen requests by the city such as your requests that you were just mentioning. Those will be -- if they are not in the original requirements, will

be -- will be additional costs 5 million that this is going to cost taxpayers.

[Buzzer sounding] both of these scenarios stand to increase the proposed budget significantly. Further the requirements for this project were drafted in march, 2007. was issued in november of 2007. Technology changes rapidly and in two years, more's law shows us that the price for functional tee decreases tremendously. 5 Million is way too much for this project. It can be done for less and open source is an option that provides more innovation, better, cheaper and a more progressive way to achieve austin's pecan street green energy initiative. If this project gets put behind by two to four months, all the better for austin and its tax paying citizens. For a city that prides itself on progressive and Oracle are about as far from progressive as you can get. The City Council should vote no to spending the money and mandate that the committee issue another r.f.p. Vote for austin taxpayers and austin technology. Not the selection of IBM And Oracle. Thank you.

Mayor Wynn: Thank you, Ms. Harris.

If you have any questions I'm happy to answer them. harris, Council? Council Member shade?

I appreciate all of the information that you are providing. But I really have a question because I'm about -- about the issue that you are bringing up about IBM How many employees in austin ? Do you know?

There are quite a few.

Are they not taxpayers?

They are taxpayers. But my concern, our concern is that we're not supporting an austin based technology company. This city is a technology city. Why wouldn't we want to support a city, a company based here in austin? Those dollars are going to go support the entire ?

Mayor Wynn: Thank you, Ms. harris. Actually, I do have a couple of questions I guess for staff. Perhaps -- I see byron Johnson here who heads our procurement. By the way, just Council Member shade happens to know -- I happen to know there are 6,200 IBM Employees here in austin, which makes austin the campus on the planet. Shade just to add to that, coming from the technology sector as I have, that many of our best start-ups, the way that they have been able to be strong, whether it's tivoli or small company, including the company that i was involved with, we were so lucky that there were people from -- from early days that we could tap. And I think the same would be true to silicon labs and other companies, too. I think it's important that we think of this ecosystem and not bash a company like that's been a good corporate citizen and recognize that they have a role to play, as well as our small tech sector companies, that's all that I really wanted to clarify. Thank you. harris did bring up some concepts that, you know, we get asked and reminded about frequently. One I think she used the term why didn't we require that a local company be chosen. Remind us about -- about sort of -- recruitment laws. Do we have the ability to -- to require that -- that only a local company can -- can get -- give us these services?

Byron Johnson, financial administrative services, purchasing officer. I won't give the legal opinion for Mr.

smith. But in regards to the procurement, the procurement laws do not allow you to have a local preference. But what we did do is we did have the [indiscernible] provisions in the ordinance here, this means that over \$12 million of the expenditure will actually go through local firms. So there's a significant part of that. We did require that they have local office as the Council Member has said. This will be managed and run through the local office of IBM So we have been able to get that participation also we did send 618 notices out for firms and encouraged applications from any number of different companies.

Right. Again, the -- the answer is a very prescribed procurement process vis-a-vis state laws that cities and local governments follow. Of course we follow that not only to the letter of the law, but we take advantage of whatever flexibility we have to ultimately drive perhaps more of those dollars locally, including, you know, the -- our ordinance, which gets challenged by the way every now and then, but we are able to still require that kind of small business and minority women-owned enterprise participation or at least notification of that opportunity. And in this case require that -- that a local office be the driving factor to this.

[Indiscernible] opportunity. One question. It might be for Mr. Duncan. harris also very appropriately asked about the -- brought up the concept of -- as my dialogue with roger suggested, we haven't made all the decisions as to what will be, you know, the details of say what a consumer might see on the bill. harris' concern was that as we come up with those details, whether it's -- whether it's square foot graph or an average time of day electricity consumption vis-a-vis the larger community, we will have to pay more for sort of a customization of our bill.

Well, it decides on what we need to do, what we want to do with the bills. There are several themes that we will -- items that we will be able to do without any other costs at all. Right now you can't add another line item to the bill, for instance. We will have capabilities, customers will be able to go on to a website and change the due date on their bill. Not month by month, but for some customers because of their payment cycle, it's more convenient for them to pay on the first of the month rather than the 15th OR THE 30th. And they cannot -- they don't have the options now. Several options will come automatically with this new billing system. Something you referred to in terms of comparing your consumption with the community around you, for instance. There are companies like positive energy that offer programs to do this. We would look at that. We would look at options that -- that we could do in-house and -- and I guess the answer is some functional fees may cause some additional amount -- cost some additional amount, some may not, none of them would be available at any price until you change the basic billing system to allow it. Functionality.

Council Member Morrison?

Morrison: I wanted to mention that yesterday at the emerging technology and telecommunications committee your folks came and spoke to us and give us an overview of the system and one of the things that we delved into a little bit was the pay back time. I think that we came to understand that it did make sense monetarily in terms of the lower cost per month and all of that. So -- so that was reassuring. One of the questions that -- that -- the citizen raised was about why didn't we -- were we open to an

open source solution and I wonder if any of your folks could speak to whether or not that would be appropriate in this kind of situation?

Well, I could bring up my -- my cio, andre to speak to. Open source is somewhat of a radical thought for a customer billing system to undertake.

Andres. In our purchasing process it does not preclude from any creative technology by any style of development, to be -- that we offer in the billing process. We did not receive any offers. They had -- that had an open source solution. So -- so we would have been happy to evaluate them, but none came forth. Now, open source is sort of the leading trend of how the future looks like. But a lot of the solutions companies across the nation has run what we call mission critical applications, 24/7, 365, 100 percent ap time or 9%ap time are not running on open source. They are running on, you know, traditional systems that eventually perhaps will evolve to open source.

Okay. Thank you, I just can't help but mention that the Mayor seems to be carrying his electricity bill around with him [laughter] I don't know if that -- do you do that every day.

Mayor Wynn: I can quote you my last six electricity bills, as can my kids. 13 -- we have a 2500 square foot home, very nice, we are very lucky. 13 Cents bill two months ago, I got on to my kids for leaving the refrigerator door open too much. Of course we are using more air conditioning now, up to \$30 a month. Our goal is to have less than a dollar a day in electricity bills for the entire year. So to have \$365 for the entire year our electricity bill. We are going to come in just ahead of that, but with the -- with these little program that my building has, we're going to work to reduce that, come in at least than a dollar a day next year.

I sure hope you get that under control [laughter]

I will challenge you on my carbon footprint any day of the -- Council Member shade? I don't want to beat a dead horse. I keep thinking about the comments about pecan street and the way that we are launching into that. I'm of course the strong supporter of that. I'm a strong supporter of that here on the dais. Again when you look at one of the most important things is getting, you know, the major corporate participation and I think we've really got to think about it if we really create an industry, like we are trying to be a leader in this, it's essential that we recognize the talent from our large players and small players, that's what -- that's what creates an entrepreneurial environment. The more I thought about all of the people that I know that graduated from i.b.m. To tivoli to wave set and all of what was created ultimately so that small companies like mine could get going and then the thought that a small company couldn't do business in another city, I just really hope that -- that in particular when we're in the technology discussion that's we consider that because we have lots of Oracle employees here as well. and dell have really stepped up to support pecan street with a lot of other major corporations. I don't want to beat a dead horse, but I really want to make sure, especially harris is associated I appreciate it with pecan street, that we underscore the importance of all of the players.

Mayor Wynn: Thank you, Councilmember. Again, further questions of staff or comments on this

combined item 3 and 20? If not, I think we still have a couple more comments from other citizens. Let's see, on our consent agenda. 27, is regarding our -- our upcoming 2009 parade of homes by the home builders sabio is here, signed up to -- in favor of this and here to answer questions if we have any of him. I would just like to say that I was very pleased to hear or see that the home builders have chosen our mueller redevelopment as the site for the parade of homes. It's the big events each year, draws thousands and thousands of not only prospective home buyers but the design and building community and the -- i believe it's five homes or so that will be highlighted at mueller. These are all, you know, very nice, very big expensive homes, but all of these homes are rated five star under austin energy's green building program. I think that the entire City of Austin only has about 30 some odd five star homes period and now every one of these parade of homes homes at mueller are all rated five star. These are very energy efficient, you know, attractive, good looking homes and I'm just pleased that the home builders chose the mueller redevelopment to highlight that. More folks that get over to -- to mueller, if you haven't been to mueller in the last year, I suggest that you get over there and take a look at what -- what we as a community have been accomplishing over there. We are probably 30% or so of -- probably sort of phase 3 of 10 phases perhaps over there of course with the new children's hospital and the retail community, but now the homes in the neighborhoods that are being constructed over there are really especial, so that's -- sort of I think a positive comment to all of us, but very good to see the home builders out there in that area, thank you for being here. So, Council, I think that's all of our potential citizen communication. Folks are signing up for events or issues that we will take up for later in the day. With that I would like to open it up to Council comments on our proposed consent agenda? Council Member leffingwell?

Leffingwell: We will briefly highlight item no. 6, Which is a significant land acquisition over the edward's aquifer recharge zone. The ranch, have been working for this -- working on this for over a year. Conservation easements to purchase 2200 acres, all in the recharge zone, with one and three quarters mileage on onion creek, very significant recharge features on the property. The total purchase price for the easement is 9 million, but the city is working in partnership to make this acquisition with the hill country conservancy, also with hays county, which I hope will set a trends for future acquisitions, the city's part of this is only 1 point -- \$1 million out of the total price of 9.9 million. And the price of the property is less than the appraised value, third party appraised value. Very significant environmental acquisition, i want to thank all of the staff folks who worked hard on it. Jenny plumber out there. And others in the environmental protection. Nancy, I see you out there. And matt holland, also, thanks to everyone, this is a long project and I'm glad to see it on its way to completion. Thanks.

Cole: I would like to thank all of my colleagues that have asked questions about this event and shown their support for making this a positive event and the recognition that it's not just about the texas relays and the tourism for texas relays, but it's also about our national reputation as a number one city with a high quality life for all of our citizens. And part 2 of this resolution also recognizes that we are creating a stakeholder process involving the entire community that have expressed concern that we continue to promote austin as a city with a high quality of life and its diversity. So we will be having a community meeting to do that, and I will extend invitations to as much of the community as I can and to all my Council colleagues to participate in that. Thank you.

Mayor Wynn: Thank you. Again, we have a motion and a second on the table on our proposed consent agenda, that includes all items except items 25, 29 and 31. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor Wynn: Opposed? Motion passes on a vote of seven to zero. Thank you all very much. Council, we'll give the crowd a minute or so to clear the room and then we'll take up item number 25 related to street closures.

Leffingwell: Mayor?

Mayor Wynn: Yes, Council.

Leffingwell: I pulled item number 25 and I would like to start with a brief wrap-up presentation from Rob Spillar.

Mayor Wynn: Thank you very much. Item 25 was pulled off the consent agenda by Council Member Leffingwell. Rob Spillar for a brief presentation. By the way, there are a handful of members from the taskforce here and I think it would be appropriate for us to recognize them and probably get a little more citizen feedback as we potentially amend what we have in front of us. Rob, welcome.

Thank you again. If I could have that presentation. I'm here today to report on the special events ordinance in preparation for second and perhaps third reading -- as soon as we get the slide show up. There we go. Here we go. The following items are addressed in this presentation per Council direction. Staff met with the former taskforce members, with the assistance from staff from Council Member Leffingwell's office on April 16th to discuss the recommendations that were made by the taskforce former members and presented in a letter to Council during first reading. We specifically -- I want to just comment on the creation after special events commission empowering the neighborhood associations through the new ordinance, permitting of station area events on Cesar Chavez, reporting of expenditures and incorporation of recommendations related to communicating with affected parties.

First of all, the special events commission, we was addressed this in section 14-8-1 definitions. The duties related to street events be added to the duties of the urban transportation commission, a standing commission other rather than a new commission much this was one of the options that I believe the former members of the taskforce addressed to identify the concerns that staff had of developing an additional commission within the city. The additional costs that are associated with a wholly new functioning committee. So it made sense to vest the urban transportation commission with those responsibilities. I think that is a good compromise and something that will lead to a good promotion of special events. It will give special events or objections to special events a place to be heard in terms of citizen input and an opportunity for the UTC to assist in negotiating a compromise where it can be done. Granting neighborhood associations a super vote is the terminology we're talking about here. It's addressed in section 14-8-3, which gives neighborhood associations within a half mile of a proposed

stationary or moving event to have a super what a super vote means as you know, the new ordinance now suggests that if 20% of residents along a block, along is moving event, object to a special event, that that moves the responsibility away from the director and theoretically here it would be the transportation director, from approving that event and it needs to go to the utc if that's the way you direct the commission. This would also place the neighborhood associations within a half mile, it would define them as affected, and that they could vote as well to take that responsibility away from the director and move it to a commission for hearing and potentially to Council. Now, I want to draw your attention to one point on this, is that the way the commission works is it really works as a negotiating body to try to resolve the objection. The only way that utc can have an effect of allowing the director to once again have the authority to approve an event is if the objecting party, in this case either the 20% of that block that objects or the neighborhood association withdraws their objection. And the way that would work is that the promoters and the objecting party in the presence of the utc in this case would come to an agreement and the objection would be withdrawn. If not, that -- that issue potentially advances to City Council where you would all have the obviously -- continue to have the authority to override the objection and in a sense allow the event to go forward for variety of reasons, whether it is the economic value to the community or whatever you would see appropriate. There is a concern, and as we go forward this is something we'll have to monitor about how many events end up here at City Council for your approval. And I think that's something that we'll want to watch along with you to see if that's meeting the intent of Council to try to make this a more fluid process. Permitting stationary events on cesar chavez, this is a piece of the commission's recommendation or the special taskforce recommendation that we propose to handle as part of the rules process. We have, as you know, divided the new special events process into ordinance related issues, which deal with policy and then rules that deal with the operations. We will follow the direction of the special taskforce to make cesar chavez available for stationary events as long as the fifth and sixth street couplet remain open and 11th street remains open. So remember, that's one of the three major east-west corridors has to always -- can only be closed at one time. So we plan to follow that. We will and we have agreed to go to utc or the commission you designate and have a public hearing before that rule process begins. As you know, there's a formal rule process that requires a 30-day comment period, and we believe going through the commission is the right way to kick that rule process off, and we would be looking to start that up here in the next month or so. I think one thing to note is that the special taskforce did note that it may be appropriate to place special restrictions on the use of cesar chavez. For instance, only allowing it to be closed on weekends so clearly they were not contemplating a mid week closure of cesar chavez, with the caveat that if there's a holiday monday or friday, that might fall into that same weekend idea. Now, the immediate arts austin event on cesar chavez this last weekend, I know the Mayor was involved in that. I saw him there. That we observed that event and we allowed people to comment. I will tell you we received very few negative or positive comments in terms of mobility on that event. We did note that from our objective look at how traffic interfaced with that event that we had about a 44,000 trip reduction of trips through downtown due to that event. I can't tell you if that's because cesar chavez was closed or another street was closed, but it did not seem to cause a huge problem in terms of traffic mobility this past weekend. So it was a successful event. Reporting on the city's total annual financial expenditures and revenues and the value of special events to the city, as we set up a new department, special events, I think this is a valid end of the year business report that we would see this commission -- this

special events office providing to Council. So that is incorporated in the new process, in the rules process. And then lastly, incorporate recommendations on commuting with the affected parties and the general public. As many of you know, there is a website, special events website, that is still in beta testing, but it is looking very good. We believe that there will be a regular agenda item for the utc, if that's the commission you direct to be the receiving commission here. We believe that staff will help the commission and event developers in experimenting with the best ways to get information out. I think there were presentations in the past several Council meetings on new communications techniques, whether they be twitter or mass e-mails or whatever. I think we will be developing that over the next year or so. Special events website again we'll be trying to put events two and three months in advance out there so that the community can understand what that impact or those benefits will be, and as resources are available, additional features will be added to that and to our communications capabilities. And that's really it. That embodies the direction that you all provided to us to follow, the issues that were identified by the former members of the taskforc in their letter to Council. We have certainly done that, and I believe it is ready for your consideration.

Mayor Wynn: Thank you, Mr. Spillar. Questions of Rob? I have a couple. I don't want to challenge you, per se, but so -- i live downtown, so this weekend, this past weekend twice on saturday and sunday I came down to the art festival. I think that's the festival itself was very successful. Interesting enough, the crowds didn't seem as large at the festival as i remembered the previous year or two, but the event itself very well done. There was the perception -- there was probably two police officers at all of the adjacent intersections where we had barricades, and they were all, you know, very helpful; however, in my experience, saturday was very different than sunday. Saturday the -- essentially fifth and sixth street become the east and west primary thoroughfare with cesar chavez closed. The west bound or sixth street traffic on saturday i thought was as bad as I've ever seen it in my, you know, decades here in austin. Sunday it wasn't a problem. I guess there are more businesses that are open on saturday than sunday perhaps, that kind of thing, but the folks who were trying to get through downtown, you know, east to west, using sixth street, in the intersection of lamar was the issue. And the fact that I guess we have approximately the same number of cars going north-south on lamar as we have east-west going on fifth and sixth that the light has to be pretty much equal time -- that is the constraint, yes.

Mayor Wynn: So that intersection it seemed to me was the issue. And just looking at it, it appeared to be backed up -- I would suggest six blocks. That cars were -- it was solid cars. And unfortunately some folks were -- I'm sure they were frustrated. They would inch into the intersection to try to get into the next block and of course end up blocking the north-south streets, west avenue, rio grande, even san antonio were blocked from north-south traffic because of the congestion going east-west. So it just seems to me that issue is -- you can't avoid the light at fifth and sixth and lamar, but the whole cesar chavez debate sort of comes to mind because essentially cesar chavez doesn't have a light at lamar. It has the two small lights that have a real quick cycle time for non-thoroughfare traffic, but I guess I'm surprised to hear that there weren't many complaints about traffic, at least on sixth street on saturday, because I witnessed what i would suggest was about as bad as I've ever seen it in town.

And you know, I would agree with you. I think the crowds were down somewhat and we don't have the actual attendance numbers from the festival. The rain certainly probably played a role in that. What we

do know is, like i said, about 44,000 fewer trips passed through town. Lamar, interestingly enough, had the same volumes with or without the festival. So lamar is the work horse of therterials definitely in downtown. That 44,000 reduced trips is about 15% of the trips that normally pass through downtown on a weekend. Either disappeared, went around or had to force their way through the fifth and sixth street corridors. But clearly that -- I don't want to leave you with the impression that there wasn't an impact. I think that there's a policy discussion that needs to continue to happen about if we can -- if we allow events on cesar chavez to continue to work to minimize that impact on the mobility of the community, i certainly think that based on my observations and i think the willingness of the festival to work on mobility issues that there are ways we can continue to lessen the impact, if you will, on the community.

Mayor Wynn: Further questions of Mr. Spillar? Council Member Morrison.

Morrison: Thank you. One of the concerns that you raised about going back to the neighborhood participation was that we might end up seeing a significant number of things coming to Council and an extra work load for the urban transportation commission. And I wanted to, number one, clarify that the system we have set up now is effectively the same because neighborhoods have to sign on. And we would be seeing them in front of Council if they needed waivers because the neighborhoods didn't sign on. And I wonder if you have any -- unless they were worked out. If you have any numbers from the past in terms of how many times neighborhood associations have not signed on so that it turned out that waivers were needed?

I don't have an answer for you on that. And by raising the issue that it may increase volumes was not an attempt to negatively sway you one way or the other. It was just to simply note that I think that's something that we'll need to keep an eye on. And if it's not achieving the goals of Council, that a more efficient way to work through these before it gets to Council is not happening, then we may want to come back and either through the rules process encourage us through the rules process or a change in the ordinance make tweaks if we find something happens. You know, any time we make a major change like this to a process, there's always the possibility that it didn't work the way we thought it would work. So I think this is on the path to getting to what you want.

Morrison: Great. I want to comment that i live in a neighborhood not far from downtown and have lived there for many years and as far as I know, the neighborhood has never not signed on. And I see one of our taskforce members who has lived in bouldin creek for a long time. As I understand it,, you can correct me if I'm wrong, but over the past four years at least there was one time when bouldin creek neighborhood association had a problem with an event, and certainly my neighborhood and bouldin are examples of neighborhoods that have many, many events come through them. So I think absolutely we need to keep an eye on it, but I think it's really a good place to start because for my experience and perspective, I think that it tells us that we're not going to be overwhelmed in the beginning, but definitely keep an eye on it. Thank you.

Mayor Wynn: Further questions or comments, questions of staff or comments? Again, we do have, you know, several taskforce members here who are available to answer questions as well. Council Member

leffingwell.

Leffingwell: Well, i think it's an appropriate time to go ahead and get a motion on the table and then if there's further discussion, we can have that. And first I want to thank all the taskforce members. We've been working on this for a long time. Thank you, Mr. Spillar. Special thanks to my aide larry schooler who has put a lot of effort into this. Addressing a very significant problem, and compromises had to be achieved to address two competing -- two values that the community has at the same time and preserve both. And one, of course, is community events and fitness -- especially fitness events. We are a fit city and we certainly don't want to do anything to discourage or diminish that, but at the same time we had a very significant problem to not only access the downtown, but to adjacent neighborhoods. So what I think we have here is a solution that addresses all of those concerns. Everybody had to give a little bit, but I'm very grateful that everybody has come together and I believe we do have consensus. So I want to move approval of the ordinance as present today with just a few moments to that. I'll go over those and I'll furnish a copy to the clerk. The first is to delete subsection 14-8-3-b-4 and correct the subsection numbering in part 6 of the ordinance. And second is insert urban transportation commission into the blanks in part 7, 15 and 21 of the ordinance. The third is to insert a new subsection d to section 14-8-12, and reletter the following subsections in part 10 of the ordinance as d, the director shall provide the applicant with estimated costs of police security for right-of-way event, not later than the 15th day before the right-of-way event. Next to deplete subsection 14-8-13-b-3 and correct the subsection numbering in part 11 of the ordinance. Next to substitute the following subsections for subsection 14-8-14-a-1 and 2 and part 12 of the ordinance. First, the address, and if available the name, fax number, e-mail address and telephone number of each affected person in the neighborhood association. And two would read a space for the typed or printed name of the affected person and a space in which the signer may indicate with an original signature whether the affected person opposes the closure and so on. Next, to delete the subsection 14-8-14-f in part 12 of the ordinance. Next to correct the subsection lettering in section 14-8-15 of part 13 of the ordinance. Next, to insert a new part 24 and renumber the following parts as follows: In part 24 would read, within two years following the first anniversary of the effective date of this ordinance, the City Manager is directed to report to Council on the effectiveness of the implementation of these changes to chapter 14-8, and any recommendations to improve its implementation.

That's my motion.

Mayor Wynn: So we have a motion on the table by Council Member leffingwell, including specific proposed amendments to our first reading action.

Leffingwell: And Mayor, that is for approval on second and third readings.

Mayor Wynn: Second and third reading. Do I hear a second? Seconded by Council Member Morrison. Comments -- actually, perhaps questions or clarifications from staff? Welcome.

Council, did you say delete section 14-#-13-b-3 or b-9?

Leffingwell: Where is that?

It's the fourth bullet?

Leffingwell: Delete subsection 14-8-13-b-9.

I thought I heard 3.

Leffingwell: Did i misspeak? I will furnish this in writing.

Mayor Wynn: We have a motion and a second on the table. Council Member Morrison. Comments?

Morrison: I would like to suggest a friendly amendment to our motion. The proposal from staff repealed a few sections that I don't believe the taskforce actually had discussed. And these were sections that I understand staff was -- staff thought was that it would be better to deal with them via rules than via ordinance. And while I agree that may very well be true, we had some concerns raised from some folks in the community about the rules that were being drafted. What I wanted to suggest is that we not repeal these specific sections I'm about to cite and that we continue more conversation with staff and in the future look at moving some of them into the rules. So the sections briefly are the ones that address security, fire and e.m.s. Approvals, general restrictions, safety requirements and health requirements. So my motion that I would like to suggest is to amend the ordinance as follows: To substitute the following for part 2 of the ordinance. Part 2 would read sections 14-8-13, 14-8-15. And 14-8-18 of the city code are repealed. Revise part 17 by not renumbering section 14-8-floar. And revise part 18 by not renumbering section 14-8-41. And that would in effect allow us to keep still in our ordinance those four sections I mentioned on security, fire, e.m.s. Approvals, general restrictions, safety requirements and health requirements. So that would be my suggestion for a friendly amendment.

Leffingwell: It's acceptable.

It's acceptable to the seconder also.

[Laughter]

Mayor Wynn: So we have a further amended motion on the table, still proposed for second and third reading.

Morrison: And I do have a copy of this for the clerk.

Mayor Wynn: Okay. Comments, questions? I guess, perhaps -- I'm not Spillar was even able to follow that -- i think I would like to ask if staff could attempt to perhaps summarize maybe in laymen's terms where we think we are now with the motion, the amended motion on the table.

I actually am going to ask my stunt double to come up and answer the questions, Gordon.

Gordon derr with the transportation department. So we currently have before you the ordinance. There are a number of sections that we'll still move forward with with rules posting going through the urban transportation for a hearing and then a 30-day comment period before the rules are finalized as per the standard procedures for the city. If you would like to talk about any of the sections, the revisions under the amendments by either the Council Members, we're ready to do that.

Mayor Wynn: I think if you could summarize, you know, just -- I guess I would say characterize it in laymen's terms, the concept of where we stand now with Cesar Chavez, where we stand now with sort of the appeals process would be helpful to make sure we're all on the same page.

Well, just to summarize. Of course, the taskforce made a recommendation that 14-7 and 14-8 of the city code be combined into a single ordinance. That's the genesis of what you see before you. As that was done, there were a number of issues with either one of those ordinances, which was formerly the parade ordinance and the special events ordinance, where they didn't quite fit together quite right. So some of the issues, some of the amendments that were proposed today were to clear up some of those ambiguities with the meshing of the two issues. So I guess in summary, to go back to the previous presentation, the major changes are that one will have the urban transportation commission as an appeal body for special event closures that either folks along the route or neighborhoods adjacent to the route could appeal. Then staff would work with the appellant and the promoter to see if a compromise could be reached so that we wouldn't have to move forward to the urban transportation commission or ultimately to the Council. We're moving from requiring the event promoter to get 80% of the people to sign in favor of the event, to process where all affected parties would be notified, and if 20% or more of a single block or a neighborhood within half a mile objected, then we would go into an alternate process, which eventually will lead hopefully to the issues being worked out or a hearing before the Council. The rules process look at some of the suggestions about maintaining access to businesses and places of worship downtown. There are still ongoing discussions in that area.

Just to clarify under the presented ordinance today, events, stationary events on Cesar Chavez would be allowed on weekends and/or holidays. Per the process that's identified in the ordinance.

Mayor Wynn: Aha, further questions of staff? It might be beneficial -- I know earlier I saw a couple of members of the taskforce. I know there's different perspectives on that -- within the taskforce, but perhaps this member or two of the taskforce might want to confirm their understanding of where we think we are now. John Connally in the back. John, welcome.

Thank you, Mayor, Council. The original ordinance as was presented I think on April 2nd had a number of issues that staff was then directed to go back and resolve. The subsequent ordinance came back with what I consider to be some additional issues and problems that I think have been satisfactorily worked out through the amendments. So I have no opposition to the amended ordinance. I think it's a step in the right direction. It's clearly not perfect. But it's a whole lot better and I believe simpler in some ways than the previous process. The devil is in the details and I think the rule's process would be where

i think the active negotiation with city staff, with the neighborhoods, churches and all affected people, I think those issues will be defined in the rules process. As a race director I look at my costs and the biggest impact on the community and it really comes to barricading. I think if we can through the rules process find that sweet spot that addresses access issues without overbarricading, that will have an unintended positive consequence of lowering event costs. So I think I can support this. Again, I think it will come down to the dails that are spelled out in the rules. Barricading remains a major issue and I'm very optimistic in working with Spillar's staff that we will find a happy medium there. I appreciate the opportunity to participate in the taskforce. It's been a long road and I'm happy to see it reach a conclusion today. Thank you.

Mayor Wynn: Thank you, Mr. connally. It's been a marathon, not a 10 k.

[Lauger] Kathy Tovo, welcome. Thank you, Kathy. I know you served long and hard on the taskforce as well. Representing what I would characterize as a neighborhood perspective. Welcome.

Thank you, Mayor and Council. Thanks especially to Council Member leffingwell for initiating this important taskforce. I just wanted to echo my colleague on the taskforce's i think what we've got here is a good balance of diverse interests, and boy, if you had asked me last june whether we would get to consequence on any of these -- on consensus on any of these issues, I would have had a different answer. It was a really long, but very good process. I think the fact that we were able to come to agreement on these points represents a real give and take on many issues. Council Member Morrison asked some questions and made some comments on the issue that I've heard concern about in the last few days. I won't belabor the point, but just to highlight or just to reemphasize a few points regarding the 20% neighborhood association approval -- let me back up and say robert Spillar talked about this issue as empowering us in the same way. This is not cretion the weight of their vote, but i do believe it is an important balancing opportunity and it's important that the public, local businesses, residents have an opportunity to weigh in on these events so that we are promoting events and allowing them to take place without severely impacting our local businesses and our residents in our neighborhoods. There are some important rules changes that I just want to mention. Providing access, consistent access to the downtown area as well as roads like oltorf. I think those are important rules changes. I hope that will allow people to get to their places of worship and places of business and their places of residence in a consistent matter so that events will be less impactful on their ordinary quality of life. And I'd also like to say the rules change that talks about eliminating circular routes is also very important. What we heard from our public input process, the events that really caused the most problems are those that are circular in nature and enclose businesses or neighborhoods and don't provide them access in and out. So the rules position that discourages circular routes and talks about providing reasonable access is an important one. And thank you for the staff's creativity in coming up with the urban transportation commission. I think that's a good solution. And I would say we really envisioned a broader role for that group, that they would not just be a dispute resolution body, but would also evaluate the rules changes on an ongoing basis, evaluate any new rules that are being proposed by the director on an ongoing basis, and also consider some of the thornier issues we weren't able to resolve, chief among them whether or not there should be limits on a per street basis. This is something in the existing ordinance. It's been eliminated from the new ordinance, but again and again as I vetted certain changes in the

group I'm involved with, they said these are all great changes, but they really need to be paired with some kind of limits. Our taskforce reached consensus at there should be limits, but couldn't agree and really couldn't tease out all the complications of what those limits should look like or how they should be applied, so we agreed that the commission would be one way to continue that dialogue. So again, thanks and if you've got questions, I'm happy to answer them. But I think what you've got before you is a good step in the right direction. Thank you.

Mayor Wynn: Thank you. Council Member shade.

Shade: I had a question for probably Kathy and John both. I'm just curious. First I want to say thank you for getting to -- getting very close to the finish line as we are here and thanks to Council Member leffingwell's leadership of really pulling these final details. Ns a long list of amendments that we're adding here and i know that it comes from the hard work of staff and many of you who have been -- who are here today. I'm curious how well communicated and larger the circle of people who are affected and concerned has been with all the changes that we're making to this at this point? How well do you think the final amendments have been do you feel comfortable with that?

I don't think there's unanimity in accepting the ordinance with the amendments. I know there are some folks that continue to have reservations about the ordinance. I can just speak for myself. I don't represent the association of running events alliance. I think there may be some questions that will -- that will arise from this process, but I think the real questions will come into play when the rules are actually determined, settled upon. I think that's where my colleagues who weren't here will really want to weigh in. But I think there are a few folks on the alliance that are not on board, and i can't speak for them. But I think when they see the amendments as I've seen them, they may be persuaded. I know the amendments just were released actually this morning, so they may not have had an opportunity to digest them.

Shade: Is that a concern that after going through such a long process that the amendments were released this morning? I'm asking that because there are people who have worked on this for so long and the difference in my mind is weighing the decision between approving on second reading versus second and third.

Right. I understand. I'm confident that the group-- I look to my colleagues, matt, ray, the 3 m marathon, the cap 10, these folks have been invested in this process a long time. So I've looked to them and i take my cues from them and some other of my colleagues who were not here that i think the general consensus is that this ordinance with the amendments passes muster.

Shade: Thank you very much. It's helpful.

And I would just answer to your question, as John said, there wasn't an opportunity to communicate these changes to a larger group. So it's a little hard for me to anticipate what some responses might be. There may be some concerns about the change that involved noise permits and there may also be some concern about the change that -- I don't have it in front of me, but it talks about parks and the

parks department input on race events. Perhaps coming back and revisiting it in a year, offer some ability to continue discussing it and maybe the rules process is a way to also address some of those issues.

Mayor Wynn: Tomas, welcome. You've been patient.

Tomas pantine. Thank you. I believe that -- I was hoping that we had a special commission. I know that times are tough with money. But I think because we had divided between the ordinance and the rules, the existence of a commission and especially a well balanced commission is very important. This is going to be an ongoing event and change, especially with downtown growth. As soon as possible I wish we could really create a special commission just for this and make sure that the voice in the rule changes. Thank you.

Mayor Wynn: Thank you, tomas. Further questions, comments? Again, we have an amended motion to approve -- an amended ordinance for second and third reading. Rob? Mayor, I don't know if we answered your questions for a lay explanation, the latest amendments. Jim williams who worked on that language is available if you still have questions regarding that.

Mayor Wynn: Thank you. I got very comfortable hearing from taskforce members. So again, further questions of staff? Anybody else for that matter? Comments? Again, we have a motion and a second on the table. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on second and third reading on a vote of six to zero with the Mayor pro tem off the dais. Thank you very much and i look forward to the rules making work. Council, we have three or four minutes here before noon, so without objection, I'm going to -- for the next three minutes I'm going to recess this meeting of the austin City Council. We will reconvene right at noon here in three or four minutes to conduct general citizen communication. We are now in recess. Thank you.

Mayor Wynn: There being a quorum present, at this time I'll call back to order this meeting of the austin City Council. We've been in recess for the last five minutes or so. Thank you for the break. Now it takes us to our general citizen communication. We have a full slate of 10 folks who would like to address us. Folks, if we could have your attention or please take your conversation out to the foyer, we would appreciate it. Our first speaker is rae nadler olenick. Welcome back, rae. You will have three minutes, to be followed by walter olenick.

Good afternoon, Mayor wynn and Council Members. Today I thought I would talk about money matters, specifically the high cost of fluoridation. I heard the price of chemicals was rising fast due to a shortage. I don't know how there could be a shortage of smokestack scrubbing. Maybe it's accumulating in our bones and going out of circulation. Anyway, when I went online to look for some comparative prices I discovered that just last month on march 26th, the Council entered into a new contract with the supplier, and at higher rates. I was shocked. That possibility hadn't been on my radar at all since the existing contract had at least another year to run. But then I learned that in october the company sent the city a letter stating their intention not to renew the then-current contract. And that through a process it triggered the renegotiation. So let's compare. First slide, please. Or next slide. Here is the bid tabulation

for the previously interrupted contract, which was slated to one march 27th 2008 through march 16th, 2010. Price per ton, \$470. Cost per year, \$587,500, each for two years with three 12-month extension options at the same rate. By contrast -- did you get the first one up there? Okay. By contrast, the bid tab for the new contract set to run april 1st of this year through march 31, 2011, shows a price per son of \$262 aat a cost of 728,200 each for two years with three 12-month extension options set at \$910,250 per year. These figures show first the jump of about 30% in unit cost and second the time near at hand when we'll be looking at close to a million dollars annually in fluoridation chemicals alone. All this information, plus more, comes from the austin public records website. I hadn't been using this plform to ask questions, but I find it hard to grasp why with four more years at a lower price seemingly locked in by the previous contract, the Council negotiated this new one? Perhaps you could help me to understand. Thank you.

Mayor Wynn: Thank you. Good question. In fact, I'd like to if we could just get a simple memo from staff here this week before next Council meeting as to the dynamics of that contract. olenick that Council doesn't negotiate contracts, we approve items on our agenda, and so I too would be curious as to the timing of that contract. But thank you. Let's see. Our next speaker is walter olenick. Walter, welcome.

Greetings Council and citizens. I've got a three-minute clip here I would like to show. It speaks for me. Roll it. He is now combining those two professions to make a very strong point.

We've been doing it for 50 years, but just because we've been doing it for 50 years doesn't necessarily mean that it's right.

Hensley is talking about most of us don't even think about, flor dating water. After much research the doctor has sent out a letter to every water district in tennessee asking them to stop flower dating water. The evidence he says is it is better when you rub it on your teeth, not when you drink it. But fluoridation is added to the water without your permission and that's wrong. But most of all because the research Council believes that young children are getting three to four times the dose of fluoride as adults and now the american dental association is telling mothers not to make baby formula with fluoridated water because of fear of dental flor row sis.

And the big news, and it really hasn't been publicized very much.

Health researcher believes that this a.d.a. Warning about baby formula and fluoride is just the beginning.

I am sure that the state health department hasn't quite figured it out yet because once the door cracked, and it is now, the next group, one of the next groups that will start raising their hands and saying what about us is people who are on dialysis and people who have borderline kidney damage and impairment. And there are all people who have hypothyroidism.

Scientists like this one and a large group of epa scientists have called for the banning of fluoride

because we don't know how much we're ingesting and we don't know if we're being poisoned.

There are so many potential legal things about to happen that as a taxpayer I think it would be really, really smart for the water districts and the metro nashville, don't go poisoning anyone, don't continue this after everyone knows all this information now just because it's not convenient. Hensley has already had one response. Spring city in ray county is going to stop fluoridating its water and this is this simple. There's no law. It's all voluntary. Anyone can turn on fluoride or turn it off.

Let me make sure we're clear on this. It's in water, bread, toothpaste, but it's actually a poison?

It sure is here's the quickest evidence. Go to your bathroom and pick up your toothpaste and you will see a warning that if a child swallows more than a pea size amount of toothpaste, call the poison control.

Wow.

Thank you.

Mayor Wynn: Thank you, Walter. Let's see, our next speaker is Richard Troxell. Welcome back. You will have three minutes, to be followed by Ronnie Reefersseed. To be followed by Gus Pena. Mayor, Council Members. Homelessness, desperation, wasted human resources. When we look at these two photos, we could see bums or we could see a worker, an urban recycler. The puritan work ethic intact. In fact, that is exactly what we do see. The people gathered before you include members of Echo, the Texas Homeless Network, Mobile Loaves and Fishes and House the Homeless. We're here to push the creation of an Austin pathway to move single homeless adults out of homelessness and into education and into fair wage jobs. Please get out your paper and pencil, your blackberries, calendars, write down this date and phone number. You are invited to come to our citywide best practices, let's get to work jobs forum and initiative. In just three weeks from TODAY, MAY 21st, WE WILL Bring out of town and in-town experts together to begin to create this pathway to help homeless people, exit homelessness and enter the job force. Supporting this forum and Mayor will Wynn, Lee Leffingwell, Mike Martinez, Sheryl Cole, Randy Shade, Tom Spencer, former Mayor Bruce Todd, Travis County Commissioner Judge Sam Biscoe, former Mayor Frank Cooksey, Tom Chiadel. Retired municipal court judge Phil Sanders, Sarah Hickman. Austin Area Chamber of Commerce. The Downtown Austin Business Alliance, Mobile Loaves and Fishes. The Austin Area Interreligious Ministries, Seton Family of Hospitals, Child Protective Services, the Texas Homeless Network, Austin Resource Center for the Homeless, Arch, the Main Salvation Army facility, and the South Congress Salvation Army, of course, House the Homeless. This is truly a grassroots, broad based initiative working together to solve the problem of unemployed people who were experiencing homelessness. We will focus on the transitional housing where people end up having transitioned out of homelessness and into these case managed units, but have nowhere and no way to transition to further. Our goal is to focus on pulling out some of these folks, helping them transition into education, and fair wage jobs, and there by opening up units of housing. Wow. Call 482-8270, extension 5, to make your reservation. Call today. Don't miss out. Call 482-8270, extension 5 to be part of the solution. Yes,

we can. Thank you very much for your support.

Mayor Wynn: Thank you, Mr. troxell. Good plug. Let's see, Ronnie Reefersseed, welcome. You too will have three minutes to be followed by gus pena.

Thank you, sir and Mayor, I hope you got a copy of that book. And there's one for everybody here who wants one as well. Anyone who wants one, I'll get you a copy. Anyway, yes, I am Ronnie Reefersseed, and I am the egg man. They are the egg men. I'm the walrus. Hey, it was 50 years ago today. I plopped out and said I'm crying. Boy, those doctors and nurses just freaked out. Really what I'm here about is some inconvenient truths about global warming. Water, ie melted ice, is the basis for all life. Change is the only constant in our universe. Human population has more than doubled within my lifetime. Therefore it seems obvious to me that mother earth or father god needs more water, ie, melted ice, to help feed mankind's growing needs, thus global warming is a good thing and indeed it's needed to melt the ice, to grow more crops, to feed more people. Yes, coastal areas have to be -- have to continually adjust and yes, some islands come and go over time. Yet change is the only constant in our universe and so therefore I believe that global warming that is cause bid volume contain in this case eruptions more than suv's is nature's logical response than mankind's mankind's insaicial need for food and water. Plan terry change in climate is cause bid many things out of our control like volcanos, solar winds, sun spots and other tan net terry fox news firsts that we have no -- planet terry forces. I think it is poppy cock for us to believe that we can somehow dictate cosmic or planet dleef ary adjustments without any predictable. The build a burgers and the Council of foreign relation people, their recent invention of a so-called carbon tax to somehow regulate mankind's impact on the environment is total hog wash in my mind. And merely it's just another weapon of oppression, ie taxation, to redistribute wealth. And the best way to help save our world in my humble opinion is by example. Not by extending bullets or bombs. We can once again earn our leadership on the world stage best by example of how we treat each other. Especially our most vulnerable among us, meaning our youngest and our oldest. Another inconvenient truth is that age is perhaps our most veer lent form of bigotry right here and now. We allow our supreme court to justify killing babies. Truthfully we just kind of find inconvenient. With convenient inold people we collectively justify warehousing them as we just wait for them to die. Out of sight, out of mind. The time is now to stop the killing of the very young and the very old and take the time to fully examine these ideas and others online, merely type in infowars.com. Here in austin, you can tune 1 fm for the genesis communication network features alex jones and other freedom fighters. Thanks. I hope you all paid attention. Again, I have more copies of that book for those of y'all who are curious about saving our nation and our economic melt down that we're all experiencing. Thank you.

Mayor Wynn: Thank you. Welcome gus pena. You too will have three minutes to be followed by ken vasseau.

Thank you, City Councils, Mayors, gus pena. I've known Mr. reefer man. I say it with respect and he goes to county commissioners court. I respect his positions and he knows that I might not agree on them, but i appreciate it and consider him a friend. He's a good guy. Anyway, having said that, let me read these items into the record. Gus pena to discuss the city budget. It's implication and adverse impact on our residents of the City of Austin. Leslie cochran fortunate, needy, homeless and the poor.

We all need to work together to work through this recession and we will do our part. Crime is on the increase. We need more patrol officers in the streets. We all need to hold capital metro president and ceo, president, whatever his title is, cfo and the other administration officials accountable for its irresponsible way of running an agency. We're talking about capital metro buses and we have a lot of good bus drivers. 10% Of those really you have problems with them, but 90% of them outstanding. Fred Gilliam, the president and ceo needs to resign. If possible no layoffs. We have too many people unemployed. Please help our troops overcome adversity as they return home. They need jobs, counseling, mental health treatment. Ptsd, post-traumatic stress disorder treatment. Suicide is a big problem. Kudos and a note of thanks to commander Hutto of the Austin Police Department. I called him because of some problems over there near Oltorf and South Congress. Commander Hutto responded professionally, curt usually and a quick response to the concerns over that H.E.B. South Central Command. Thank you very much, Commander Hutto and A.P.D. I would like to speak to this issue. I know I'm not here to embarrass anybody. When I speak something and heap accolades on people I hope it's taken from the way from my heart. And the people I don't represent, but they ask me to relate this to you. We are in support of our City Manager, Mr. Marc Ott. I'm the one that complained about not having -- the public not having a participation in the selection and the interviewing these candidates for City Manager. I think we have a unique person here that has done a great job. I know for a fact that he is inclusive. He invites people to his office. He has never excluded anybody. You just don't go to a man's office and demand issues. You go in there professionally, respectfully and with courtesy. And so I would ask you, Mayor, Council Members, this is not a political plan. I'm not running for office. I ran for City Council twice. I can tell you from experience that when I say this comes from the people, a lot of the people in community, they support our City Manager. He has said some very good things saying let's work together to work through these hard economic times. And it's very tough times. But we worked together, we can reach a reasonable solution to help the people and lessen the impact on them. I can tell you one thing, having heard Richard mention the homeless, a lot of people that are advocating to help the homeless are forgetting and -- let me wrap up, Mayor. Leaving out the homeless veterans or the families, homeless families, not just single individuals. Wrap up by saying this, I and a lot of people that I talk to throughout the City of Austin have said great Marc Ott and, sir, I mean no -- I don't mean to embarrass you or anything, but we highly respect you, support you, we'll work together. We can get through recession and tough economic downturn. Mayor, thank you very much for your time and the time you've given us. God bless y'all. Thank you.

Mayor Wynn: Let's see. Ken Vasseau. Sorry for I mispronounced that. Welcome. You too will have three minutes to be followed by Paul Avina.

Red. That's right. A gorilla, the blue gorilla would say that it's blue. The reason why is because he has -- he saw things a little bit differently and he has got a lot of money to spend to put into the economy. And the purpose, the reason why I'm here is this program is to not -- I'm suggesting a theme park because that would create more dollars into the economy, but I'm not here to just try to push a big old theme park idea. There's somebody out there that has a lot of money, you know, that would be willing to take advantage of our economic times and it would be profitable for them to do that. And I don't have access to those people, but there may be somebody here on this dais that may know somebody that has access to someone who may have some capital to spend. This is an opportunity. That's how this person

or people that -- you know peop that -- you know That's how they got their money because they were able to take advantage or recognize the opportunities. And in austin I feel like this is a very good place to start a new business or start new business and create jobs, but it's going to take c. And there is a lot of money in this city to do that. But this is just something that is designed to spark interest or create someone to want to put money into the City of Austin. I know that like in california, like in malibu, right now there's a lot of businesses that have closed and it's a very tough economic area, but I think this is an opportunity for people to come from california to start new businesses, and we have subsidies with the domain right now and those subsidies are going to run out. And that is something that is not very profitable, but those subjects weren't in place, then those businesses, it would be here for them to stay. There's no incentive for them to stay because there are no subsidies. They will run out eventually and we need to have something in the pipeline to create that. [Buzzer sounds] that's why I left this here. And I appreciate your time. That three minutes went by pretty fast, but I think you've conveyed my thought. Thank you.

Mayor Wynn: Thank you, ken. Paul avina. Sorry if I mispronounced that, paul. You too will have three minutes to be followed by helen rockenbaugh.

Thank you, Mr. Mayor. My name is paul. I'm here today to denounce companies and people associated with local police that enjoy their protection. Pawn shops, dump trucks, managers, insurance companies that take our money and run when providing services to blacks and hispanics. Austin energy is also in the game. They probably have seen the roadblocks done by the austin police, they stop and search minors and the ticket race. The department of public safety is sending out information to auto dealers tipping off information on us and finding ways to squash immigrants.

(Indiscernible) then superintendent pat forgione removing blacks and hispanics from magnet and liberal arts through proxies and replacing them with caucasians. Look at l.b.j. high. The government, you, denied investment opportunities in favor of outsiders. What did they do? They resort to crime for survival and this is typical. I have caught cars ielgding in the summer heat into action. I have talked to city troupers taking long breaks into action. I have complained about multiple cars responding to one call. At the time we were fending off thieves. So this police is having to spend tax money to behalf of business and then they can cut the budget accordingly, Mr. Ott. Police is now a money making machine and we are the victiMs. You lost control of a novel institution to remain in power. For example, I have a couple of images of a.p.d. Detectives breaking into my cars at night just last february and I have id'd one of them. So my request from the City Council today is to stop the economic and intellectual killings. The city is losing big time by allowing police to train their guns for so long, forcing 20 square miles of blacks and hispanic into misery and ignorance is a mistake that the city will pay dearly for. The irony is that acevedo's family fled a repress sieve regime. Sheriff hamilton hits blacks hard, but the tragedy is that the policies came from israel and brazil. You need to take control back of all police from the hands of these people, review their budgets, hiring and training methods and begin austinites the chance to use their abilities and talents. Thank you.

Mayor Wynn: Thank you. Our next speaker is helen rockenbaugh. I hope I pronounced that correctly. Helen? We will save her spot for a few minutes. Also susana almanza signed up wishing to address us.

Adds did bill bowlton. Welcome. You will have three minutes. Welcome. Just hand it to Council Member leffingwell and he will pass it down. Thank you.

Mayor, Council, this is my third time here this year. I originally had signed up to talk about austin's lack of enforcing of existing laws. Since last week I'm changing the topic slightly. Even though it's still a lack of enforcement and I want to give you a little history about why I'm here now. Two years ago I came down here addressing City Council about austin zoning's actively assisting homeowners in summit oaks neighborhood to convert their single owned homes to functional duplexes. Nothing came out of that. City hall didn't do anything. The duplexes continue to flourish. As a result of nothing being done, angry duplex owners, including one mentally unstable neighbor, started a campaign of revenge calls to 311 and 911. I've been the subject of hundreds of calls. I've had every department in austin at my house from animal control, environmental zoning, police, fire, continually. So I tried through the chain of command to stop these calls for two years. insist on calling it a feud. This is no more a feud than a stalker and his victim is a loving relationship. This is not a feud. I don't make these calls. But austin ptd has continued to insist that this is a feud. In january of 2009 I gave up trying to talk to the police. I came down here to address you for seeking some form of resolution to stop this. Incredibly, last week I got a letter, certified letter from the chief of police stating that I am the person making a large number of 911 and 311 calls against my neighbor. Against Ms. darnell. This is incompetence at best and it's civilly liable as slander at worst. There's no proof of these calls. I'm asking austin police to investigate. Show me the proof. You've made the statement. You haven't backed it up with proof. And I am angry. I am very angry because this continues to degenerate from me seeking some resolve as the victim of a crime, turning me into the perpetrator. I'm furious about this. I'm back here. I want to stop coming back here. But the city is incompetent. I don't get any help from the Council. I am turned over to bobble heads afterwards who nod their heads, take my name, don't return calls, don't do anything, and it turns into me getting a letter from the chief of police stating that I am actively making a large number of 911 and 311 calls. I have made one 911 call in my life, it was for smoke in my house. I don't know where the austin police department gets this. I'm furious. I am absolutely furious with what's taking place keep coming back down here. I'm going to the statesman. I'll go see an attorney. You're not helping me. They're not helping me. I'm angry. I've had enough of this. This is two years. [Buzzer sounds]

Mayor Wynn: boulton, we certainly don't want you to have to keep coming down here. And I'll ask some questions. It seems like there is the potential of civil -- you know, civil issues here. And so it probably wouldn't be a bad idea, frankly, to consult an attorney and figure out the difference of whether or not there's criminal activity that and the legal system can help you with and/or potential civil action that you could conduct -- I have consulted attorneys because a.p.d. Told me this is a civil matter. All these hundreds of calls to -- sending out these city services was a civil matter. It's not. It's a criminal matter. But at the same time i talked to attorneys and they don't know what to do with this. There's a big loophole for people who are not mentally ill enough to be committed. You know, they're not a danger to themselves or others, but they can keep doing this. So attorneys don't know what to do. If I could have stopped this with an attorney, I would have. I tried the police. You have to understand my frustration, two years of this. This keeps going on. It keeps going on. And to have that letter that I gave you a copy of from the chief of police saying that I am the one responsible for making a large number of 311, 911

calls, which is patently false, patently false. It is infuriating to me.

Mayor Wynn: We don't have that letter, but we understand the frustration, Mr. Boulton. And again, let's see, earlier I announced the name Helen Rockenbaugh who had signed up wishing to address us and/or Susana Almanza. Thank you all. So Council, that then concludes our general citizen communication segment of this week's Council agenda. There being no more discussion items or briefings before later in the afternoon, at this point we will now go into closed session pursuant to section 571 of the open meetings act to take up potentially legal issues regarding special district legislation, what we have posted as item number 40. Item number 48, potential legal issues regarding the Bradford Nohra house zoning case in Hyde Park. And item number 62, potential legal issues relating to property at 328 Heartwood. We may also in closed session pursuant to section 074 of the open meetings act take up our performance evaluation and review of our City Manager, posted as item number 41 with the related action item number 31. And we may also pursuant to 086 of the open meetings act potentially take up item number 39 relating to Austin Energy's generation resource planning and strategy. I anticipate this closed session lasting well into the mid afternoon, and likely come back out for staff briefings somewhere in 00 range to conduct staff briefings or AHFC meeting and then roll into our zoning cases. We are now in closed session. Thank you.

Not leave -- all point up to -- secondly, with the act expiring one year from now, it's karma that's taking the risk not the city.

The city does not have to do anything.

No obligation, and we will -- we will go our way, would you not make that happen.

We are confident, since we've always wanted this to be a project that is a partnership project with the City of Austin, that we can work that out within a year's time.

In that connection, we also understand that the SPA and the MDA will have to be vetted through the city staff through the city's consultant, through the boards and commissions and through the Mayor and Council and therefore it's argued that the risk is all on karma to try to achieve the vision of this project instead of some different type of development, although that development may also be good, this is a vision type, Mueller type of development they have.

We think that's a shared vision with the City of Austin.

Keep in mind, also, that karma vision is a diversity of housing opportunities vision.

It's a vision of growth pays for itself vision.

And it's a vision that upon full purpose annexation, the city will inherit several billion dollars of -- of appraised value taxable property.

Therefore, we think that it's -- [buzzer sounding] worth investing a year to see if we can do the spa and the mda to the city's satisfaction with the city holding the hammer all the way.

Therefore, we -- we ask that we be given that opportunity and we contend that -- that there is no risk to the city for that scenario and this project could possibly, this vision would move on in a reasonable time.

I would be glad to answer any questions that anyone may have.

If anyone wants -- wants to see the -- the vision powerpoint presentation, i will be glad to go through it.

Otherwise, I stand ready for questions as does shaun cranston from carma, the developer.

Thank you, Mr. Harris.

Thank you, Mayor, thank you.

Mr. Cranston.

Council, that's all of the folks that signed up giving testimony.

Further -- further questions of Mr. harris or Mr.

Cranston and staff?

Comments?

I will just say that I think that it's relatively common knowledge that the City of Austin spends a lot of time and effort, resources, last legislative session trying to find out what are the financial -- tools that are available to us and for the private sector to create the infrastructure along the 130 corridor or eastern travis county, the desired development zone, whereby we here in the austin pointed out -- without the infrastructure in that part of the county it would be predictable that we would see single use development and I think most folks bother to study the dynamics of urban planning [indiscernible], recognize that that -- that that's not a sustainable economic package that people consider not sustainable environmentally as well.

So we have this -- you know, this track record, this effort to -- to try to figure out why can be done, particularly as it relates to infrastructure needed for development, I will just say that I have -- that i have -- so I'm excited when I see visuals and diagrams of projects like the carma folks have presented to us in the community, a development a far more sustainable use of land than our desired development zone.

Personally I have never gotten comfortable with perceptually this -- i understand the necessity of it, but call it the cart before the horse or the legislative action before the nuts and bolts of the -- of the decision,

technicality on land use adaptation or not.

And on the finance, public financing so I'm -- I'm -- although I -- I will be supportive of the staff recommendation on this item, I -- I very much would like to see staff in some form or fashion try to build off the momentum that our friends in carma and Mr. Harrison and his colleagues have created.

The dialogue about if -- an idea of how the private sector would have the infrastructure that we attempt [audio problems] so I'm -- I'm -- although I'm supportive of the staff recommendation, I'm not leaning toward in this legislative format during this session, very much would like to -- to see efforts to -- to ultimately help the committee come up with the answers as to how we have this kind of development out in the -- in the desired development zone.

The same obviously preserving, you know, the authority and regulation and -- and predictability in the future.

Other comments, questions, Council Member Shade?

I would like to say on your comments jerry, carma team.

I am excited about the vision and I recognize that the developer has a very strong track record, i appreciate that.

I think that to say that there are not associated with having the legislature pass we have in place.

It's not something that i agree with.

I believe that there are -- that are associated with having legislation that -- that, you know, some of the risks may be unintended consequences, but I would much prefer that there be a deal struck and then have the next steps be going to the legislature.

Not the other way around.

Although I'm going to.

Thank you.

Mayor Wynn: Further questions?

Mayor pro tem and then Council Member Cole.

McCracken: Boy, I know from that the land use transportation committee -- the presentation, there's been a desire to have this be structured at least 130 legislation that the city supported and lobbied for in

the last session.

Maybe if we could get some analysis from staff and carma that would flesh out what the differences are between the sh 130 legislation district anybody -- that happened be helpful.

Maybe hear from staff first.

Mr. murphy, welcome back.

We had previously provided that -- that our -- or put together a comparison 130 legislation and this.

That was one of the things that we did early on.

Because we were -- we were there also wanting to make sure we were being consistent with our goals there.

We can certainly provide you with that information.

If that would be helpful to you.

I thought we previously provided that to the Council, maybe I am mistaken.

We had a while back.

But I thought it would be helpful for us to hear right now.

Because clearly there are some differences.

Sharon smith with the law department.

As he have explained just -- just very summarily the entire briefings, the primary difference is that -- spatially are that the City Council is the governing board for the s.h.

130 Districts that were to be created.

The legislation that was 130 allowed the -- the districts to be created after the legislation was adopted and so that the City Council -- said that the City Council would create those specific to particular types of development, development locations after those types of arrangements had been fully vetted within as -- as -- as a corollary to that, the city was -- was responsible for assessment of what the bond amounts would be and the city would issue the bond that -- i would say on the whole that would be the three main differences in my mind.

McCracken: The city -- I thi it might be helpful if there's going to be some subsequent effort after today

to -- to find common ground, it would be helpful to know what the road map looked like.

I am -- I've heard other colleagues say this is the kind of development that we actually really worked hard to foster the last legislative session, so I just wanted to -- so the district -- the Council -- the board under the last 130 of -- legislation, and then the third would be that we would issue the bond -- and assistant City Manager wanting to make sure that we pointed out that the values and the goals that we would have are very similar, what the ultimate development objectives were is just the tools to get there were different.

McCracken: Yeah, I think one of the things that we're hearing is -- is even from city staff and from Council Members is a great deal of the -- of the support for this development proposal and that there are some -- some -- some details that are meaningful that -- that not a huge list of them that -- that if aligned would make it very similar to what we had endorsed if s.h. 130 legislation.

Those are issues that we have addressed with carma as a -- with a team as a whole, in consultation with their team as well as legislative development.

It's not something that in their development paradigm that they were willing to do at that time.

You all may want to let us know in your vote how you would like to let us proceed in those conversations.

Thanks.

Mayor Wynn: Further questions of staff?

Comments?

Council Member Cole?

Cole: I certainly wanted to say that I appreciate the discussions that I've had with staff and carma that they have been very, very forthcoming with information and that -- that this is a very complicated deal involving five districts and in our e.t.j. with special limited purpose annexation.

All of these things are -- very concerting because of the Austin land use history, expressly in our e.t.j.

Dealing with -- with 's and things like that.

And so -- so I would -- I was very concerned when we received some -- some legal counsel regarding the immunity, that it would be a district that would have sovereign immunity and those terms had not been worked out in terms of waiver, moving forward contemplated a contract that would have key terms in it and that particular hadn't been worked out.

So I'm hopeful that we can continue to work with carma on the legislation, but i will be supporting the -- also and that hopefully at least if we are not able to do so in this session, which I'm doubtful that we will, that we will be able to walk hand in hand with an agreement next session and in the meantime, I'm also hopeful that 5- that staff will -- will work on similar legislation, like we had with the 130 because it's very important to me that we get the area in 130 actually developed and we have a major problem with the infrastructure costs and the staff has to be able to address that and we can only address that by walking hand in hand with the developer.

So I'm hopeful that we will be able to work in the interim on a generic agreement that will actually get this area developed.

Mayor Wynn: Council Member Morrison?

Morrison: I'm pretty much in agreement with all of my colleagues here.

And I wanted to -- to add to the comments to say that while there were also some very specific issues that -- that I know carma has suggested could be worked out, in the fta and all, more detail in terms of financial pluses and minuses, even though there are some things in flux and there was going to be some flexibility, my -- it's my sense that there are some inherent risks in the structure itself in terms of the -- of the district having control as well as the fact that -- that because they didn't understand it, perhaps thoroughly, that in fact the legislature would be the ones to have control because -- as opposed to the city having authority to agree or not, all of which makes me uncomfortable.

So I hope that we can move forward in terms of -- of, you know, working from the foundations of what were the needs and the goals that the city has as well as what are the -- what are the areas of discomfort that we have, so we can have some sort of general framework to work from to see if we can't expand the tools that -- that folks like carma would then be able to use, whether it was legislative or other, so I hope that the city kind of conversation can continue and I certainly appreciate that, with this whole discussion, we will be able to bring to the table a whole lot of -- of suggestions and needs to help spur the conversation on.

So I really hope that this will allow us to move forward with the general conversation about -- about what the city is comfortable with, how we can [indiscernible]

Mayor Wynn: Council Member Martinez?

I also want to just share my comments, I want to make it real clear, shaun, your team, to carma, that this Council wants carma to have come austin, texas and have this project, to make it good.

Quite frankly we have so many issues to get through with this legislation going through before we have there's so much work that can be done, to continue to work together to try to find a solution to some of the issues that we still face.

With that recommendation...

Mayor Wynn: Further comments?

Questions?

If not, then -- then I'll entertain a motion on item 29.

Which is our -- our posting regarding specifically the -- the legislative enactment of creating special districts.

Motion by Council Member Morrison.

Seconded by Council Member Martinez to -- to support staff recommendation to oppose these legislative districts.

Mr. City Manager?

Thank you, Mayor.

I understand the Council is about to take action in regard to the staff recommendation.

Should I understand that you are -- that your action is limited to the recommendation that we have offered to you or in addition to that are you also giving staff counsel?

Council giving staff direction going forward?

For this matter as a matter of policy?

Mayor Wynn: Before i attempt to answer that, i smith, the posting and all of our other requirements, is it appropriate, if it's the will of the majority of the Council, to -- in addition to supporting staff recommendation, to -- to, you know, acknowledge comments by colleagues?

Giving -- giving the City Manager additional direction related to the -- to the general topic?

Mayor, I believe the posting language is broad enough to allow discussion of those kind of comments and giving that kind of direction.

Mayor Wynn: Okay, well City Manager, obviously we have a motion and a second to recommendation, which is, you know, formal opposition technically, but I have heard, I certainly would support, you know, you spending time and effort and resources to continue what i generally call this dialogue and that is -- that is a specific attempt to -- to use the momentum gained by -- by a proposal as positive as carma's proposal to -- to ultimately devise a strategy whereby infrastructure -- we find ourselves in a place where

infrastructure and the desired development zone is that enables development like we have seen from carma, like we have -- like we were experiencing at mueller, essentially a sort of a infrastructure friendly strategy, more rather than less mixed use, dense development in our desired development zone.

I don't know if that's too broad or not.

I think we heard a lot of recognition of what a positive project we perceived this to be.

The actual proposal project itself, the sticks and bricks, I think I heard your Council in a significant way endorsing, you know, the development plans that we see.

We just need comfort as to what that -- you know the legislative and/or legal strategy is to get to that further comments?

Council Member Morrison?

Morrison: My sense is that, you know, we do have the what i would like to see is do we need to broaden that?

Do we need to bring more tools to the table?

What are the constraints like for instance would we consider giving up city control, government control or not?

To me there's some policy discussions that need to go on.

With Council and staff.

To start.

Mayor Wynn: Council Member Shade?

to build on Council Member Morrison's comments that it's, you know, from this carma experience I think it's been instructive about limitations perhaps that the policy has, the new policy as well.

I want to be really clear that I am not really interested in looking at the legislative aspects of this as much as about the mechanics of the deal, what are we giving up, what are we getting in return.

Clearly there's some interest in the overall vision, but before taking the leap together as partners, we need to make sure that those issues are addressed, to focus on, in the process I -- I agree with what Council Member Morrison said which is -- which is to the extent possible, understand how policy changes may need to take place in order to -- in order to use some tools that we may not already have

in place and I think this carma project would be very instructive on that.

Does that add any clarity or taking it away?

[Laughter]

it's a bit clearer.

Again, I think that -- that I'm hearing both the -- the specific and the general.

And in the specific, you know, part of what I hear is I hear carma and carma and continuing that dialogue, at least in terms of the vision that the city development represents, inclusive of the Mayor's comments about mixed use and density.

But at the same time I'm also hearing that even beyond that, being mindful of the kinds of issues that I heard Council Member Morrison articulate.

So we can certainly use an ongoing discussion with carma as the basis for not -- not just looking at the deal in hand but, you know, policy standpoint looking at our toolbox and seeing to what extent are those tools adequate to -- to allow us to achieve the kind of vision reflected in the proposal that they put forth in this legislation and anything beyond that.

The significance of what we're talking about.

In that regard to be respectful of staff, carma, other Council Members, I want to offer to bring an item from Council at the next Council meeting so that we can clearly understand how we move forward, I offer to work with staff to help draft that so that we are on the same page the Council Members concerns, issues, desire, even carma's for that matter are respected in that resolution.

Good thought, we will see that in writing.

Thank you, Council Member Cole?

Cole: I would just like to add to what Council Member Morrison was saying, also what Council Member Martinez 130 corridor is in the desired development zone and at one point we contemplated the very need to have legislation to see it developed.

I don't want to take that off the table in terms of staff instructions to consider.

As we -- as we build this road block, how do we get it developed.

I think that a lot of that will -- if we start with the pit as being what else are we going to need, we should

probably take that through the land use and transportation committee.

But ultimately we may need a piece of legislation, even though we don't know exactly what that looks like, we need to be prepared to do that and consider the interest of stakeholders like carma and other stakeholders that may be interested in developing the area.

And I would be -- I would be -- I would be still honored to help Council Member Martinez with that resolution.

Mayor Wynn: Thank you, Mayor pro tem?

I do think that it's important that the Council remain consistent, 130 legislative approach because we worked hard to get that passed.

Because we believed a session ago that current law did not give us the advocate tools for the corridor to develop in the way that the community wanted that corridor to develop.

I think what we have seen 130 legislation failed that meant we did not -- that we did not have the tools to have that corridor develop.

Nothing has changed about that.

Something has to happen.

Current law does not appear to give us the mechanism.

We didn't think that it gave us two years ago to get this corridor to develop.

I don't see what changed in that regard.

The pit policy helped but it was an effort to overcome some of the shortcomings current law -- current law, we had that ability the last two years ago, we didn't think the pit policy was adequate two years ago to have this corridor develop out.

This legislation, I do think that it's important that the city create the districts.

I personally am not -- as -- as -- I don't think that it's quite as necessary that the city be the one who issues the bonds.

There are, in our own experiences, different issues on how to -- financing, that regard.

To the extent that this legislation proposed through carma closely or exactly 130, I think we need to remain consistent.

Mayor Wynn: Council Member Leffingwell.

Leffingwell: I agree with that.

Although the 2007 legislation, I believe, includes revisions that made sure that the City of Austin did not lose control over governance and that's one of the big differences between what we're looking at here today and the '07 legislation.

The pit policy, which has been adopted since then, is a good place to start and build on.

With -- with -- you know, I'll just express my major concern right now is this governance because if you don't have that, you don't -- you don't know where you're going.

I would also suggest, maybe Council Member Martinez would have this as a resolution with specific directives that I think it would be a good idea to -- to come back with periodic updates to the Council.

To tell us where you are, so that the Council could -- before the end of the ball game being able to say I think we're going down the wrong path.

So --

Mayor Wynn: We have a motion and -- and a second on the table, formally -- formally adopting staff recommendation on item no.

29, That is opposition to this special district legislation and anticipate here in the next meeting or two a resolution outlining further specific direction.

Any further comments?

Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed?

Motion passes on a vote of 7-0 on item 29.

Thank you all.

Hello, Mr. Robins.

Quick question.

The next item on public participation, will the public be allowed to comment on it?

Mayor Wynn: Well, it's a staff briefing.

You've been so well behaved the last few meetings, Mr. Robbins, I think without objection I think that I will acknowledge you when we have the presentation.

Thank you.

[Laughter] but I will say -- we do -- we do have a few more items to take up in closed session before we come back for the afternoon briefings, without objection we will now go back into closed session to close the public hearing -- we will go back into closed session, to take up issues one regarding property located at 328 heartwood.

Item 62.

Also item 48, legal issues regarding lawsuit related to an historic zoning case, known as the Bradford house, and in closed session we may also take up pursuant to the performance evaluation of the City Manager.

We are now in closed session.

I anticipate us being in closed session for another perhaps hour and a half, we will come back for our staff briefing, a quick ahfc board meeting and continuation of our meeting.

We are now in closed session, thank you.

Mayor Wynn: We also took up item 62, the property on heartwood.

All we have left now on the closed session agenda is the performance evaluation of our City Manager.

We'll likely take that up much later tonight when everybody is tired and in a bad mood.

So that takes us -- a joke.

That takes us to our late -- to our afternoon briefings.

We have three quick staff briefings to conduct before we then do a quick ahfc board meeting before our zoning cases.

Our first briefing is Austin Energy's public participation process and the CO₂ or carbon dioxide reduction plan.

Roger Duncan.

Thank you, Mayor and Council.

I'll try to move through this as quickly as possible while you're still in a good mood.

The agenda for this presentation is to update you on the public participation process we've been going through to inform you of the latest load forecast from Austin Energy to discuss the straw man update that we have developed and the next steps in our process.

In the public participation process, we have held eight town hall meetings so far starting in October of last year, answered many questions, about 239 people have attended.

At the same time we held one on one meetings with 30 stakeholders during this time and we began group stakeholder meetings with the environmental community and our large commercial and industrial customers in December of last year.

As of April 20th we have held both meetings.

We developed a website as well as a paper resource plan that we have put out.

Our website has had over 200,000 hits.

We've had 319 surveys submitted on the plan.

We also met with Austin Energy employees, four town hall meetings in which 282 of our employees attended.

And we have established 11 stakeholder groups in our community that we have met with.

And finally, we have launched an online energy game for our rate payers to play called Change Your Generation.

The results of the surveys that we sent out and received back, we asked the -- our residents and our ratepayers to indicate which fuel types that we currently use the coal, nuclear, gas, wind, solar and biomass, whether they wanted more or less or much more or less of each of those fuel types.

And the results that you see in this bar chart generally indicate that the surveys we have received so far indicate that people wanted much less coal, about the same amount or a little less of gas, more biomass and much more solar and wind.

And those are out of 319 surveys we received so far.

The next thing I wanted to inform you about was our new load forecast.

This time each year we present -- we recalculate what we see on our energy demand and load for the forthcoming years.

This new forecast as you would expect reflects the economic downturn that we are in.

It shows a decreased peak power demand by the year 2020, decreased energy sales, and we still include in our load forecast in our calculations the 700 megawatt demand side management goal that the council has established.

So on this slide you see what the change is in our peak forecast.

The very top blue line is the forecast that we calculated last year.

The red line or red bar is the new load forecast.

And in between you see the decrease for each year in and what we expect the peak demand to be, starting off with 65 megawatts this year and a drop in demand of 135 megawatts by the end of 2020.

If you translate that into the energy demand, you see a drop of a little over 1200 gigawatt hours that we expect to be generating by the year 2020.

If you drop the energy demand, of course, that translates into a revenue loss.

In the next slide you see the revenue change from the base 2009 forecast, which was the dotted line on top, to our new load forecast, the solid red line.

And because of that drop in electric generation, we expect a reduced revenue of approximately \$160 million over the next five years, and a total of \$235 million in reduced revenues from our projections by the year 2020.

Based on that load forecast change, we made changes to the straw man proposal that we presented to Council last summer.

I won't go through the details of these year by year moves, but essentially the reduced load forecast allowed us to delay some gas resources in coming online and reduced the biomass and the wind by those amounts, 50 megawatts of biomass and 25 megawatts of wind.

In the next slide you see the new straw man proposal, and it is a proposal that would meet the Council's 30% goal by 2020.

Obviously if you reduced the energy demand over that time, 30% of a lower number means that it takes

less renewables to meet that 30% goal.

And so this would -- this is an example only of how that 30% could be met.

I want to emphasize again this is not a staff recommendation.

This is a strawman for discussion purposes.

On the next slide you then see you combine the two.

You see our load forecast with the updated strawman.

You see the strawman meets the energy demand through the year 2020, although in 2011 the margin is rather small, and that is one reason why we wanted to move ahead early on today's agenda with the sand hill 100-megawatt peakers.

It is included in this load forecast.

And without it we would be buying more on the open market than we anticipated in 2011.

The bill impact of the strawman is something that we're bringing forward that did not have last summer.

This is the estimated impact on our residents' bills, both base rates and fuel charge, just for generation and fuel.

It does not include anything else, including the transmission distribution system or other factors that are included in the overall bill a customer receives.

But just based on this strawman proposal, there would be an approximate increase of the total bill of 27% by the year 2020.

2% a year, but that would not be a smooth increase.

Those increases would come online at the time that new generation facilities were to come online or new purchase power agreements such as the solar and the bio mass and wind agreements and so forth come online in these years.

I want to emphasize there is still no rate impact planned for next year's budget based on this new load forecast and new strawman.

Mayor Wynn: But also, roger, we're having to assume that everyone's consumption remain the same.

This is for the same -- you know, me and my kids having the same kilo watt hour consumption, the rates would be would be up f we do smart things on the conservation side as a consumer, which we the utility

can't make an assumption about, I guess, you know, so as individual consumers we have the ability to have an affect on our bill by consuming less.

The price per kilowatt hour may have to increase, which is probably inevitable, but that consumer still ultimately drives what their bill is by their consumption.

That's certainly correct, Mayor, on an individual's bill.

This forecast does assume 700 megawatts of demand side management in the forecast incorporated.

Over and above that as a system, then that percentage would drop more.

Mayor Wynn: Right.

Okay.

On the next slide is the final part of the presentation, talk about the emerging co 2 impacts.

Obviously if you reduce the energy demand, we burn less carbon in our facilities.

There also has been new carbon legislation emerging at the federal level since we -- since the first proposed co 2 reduction plan to you last summer.

On the next chart, this is a somewhat complicated chart, but the blue line at the top is the amount of co 2 our power plants emitted in the year 2007.

The solid green line further down that's labeled 2005 co 2 goal is the amount of co 2 we issued in the year 2005.

The reason that green line is on the chart is that is the reference date for both the lieberman-warner bill in congress last year and the upcoming waxman marky bill that is being discussed currently.

Arman-warner bill says to meet 2005 co 2 levels by the year 2014.

And the black stairstep that you see on the chart was our suggestion as of last summer of how to meet the lieberman warner bill through the purchase of carbon offsets.

However, the new load forecast is the solid red line that you see at the bOttom of the chart and you see that under the new load forecast, we would meet the lieberman warner bill without the need to purchase any carbon offsets with the strawman proposal that we've put forth.

On the next chart, however, there's one new line there at the very bOttom, and that is the waxman marky trade draft legislation that is in congress and being discussed at this time.

It is a more stringent goal.

The goal of that legislation is to reduce emissions 14% below the 2005 levels by the year 2020.

So at the very end of the chart you see down at the bottom there is a gap between the bottom line, the pink waxman marky line, and the red line, which is our 2009 forecast.

That is the gap that we would currently have between our strawman proposal and the waxman marky bill.

And so we will be working as part of the next steps to bring back -- to bring back to you a proposal for a cap in trade and a voluntary program that would meet this legislation.

So to summarize, next steps, we will be continuing the public participation program, continuing to meet with focus groups.

Based on feedback from these focus groups, we will be developing, analyzing many different scenarios ranging from scenarios of the least cost to the ratepayer in our system to the highest renewables, the strawman proposals, variations on those.

I think that we have something like a dozen different scenarios that have been suggested to us from the different focus groups that we are meeting with.

We will analyze each of those in terms of what the generation costs are, the fill impacts and the CO₂ emissions.

And then we will bring those results and options to the City Council.

The process will be that we will bring these options through the regular board and commission process to the electric utility commission, the resource management commission, through any taskforces that are established, and then -- probably in the late summer or early fall bring this to Council for action probably in the October time frame for your decision on a generation plan and a CO₂ plan for the utility.

Thank you.

Mary Mayor thank you, Mr. Duncan.

If you don't mind going back to the slide where where the result of the public process on our future fuel mix, see how it showed the vast majority of folks wanting to measurably -- the bar chart?

Mayor Wynn: Yes.

Measurably reduce our coal component, for instance.

I'm curious, where is nuclear on that, if at all?

In short, nuclear is -- that's the correct slide.

Nuclear is the second bar from the left.

So under the much less, it is a dark red color, second bar to the left.

The interesting thing about nuclear when you look at it is it's pretty divisive.

People either wanted much less or much more nuclear in the survey.

With the current amount coming in third.

Mayor Wynn: I was just curious because that has been my perception of the national debate as well.

That's interesting.

Duncan, Council?

Council Member Morrison.

Morrison: Thank you.

I just want to get clear.

I always like to be able to see options and I know you were just talking about taking the options through the boards and commissions and it's great that they will all sort of be evaluated and I guess given a measure of how good they are different valuewise.

So all of those will be coming to the City Council?

Yes.

Our intention is to bring all the options to the City Council.

And there may be a dozen or more, and we'll graph them out.

But there will be recommendations from the boards and commissions, and the staff will be making recommendations, but all the options will be available and we hope to have options that sort of stakeout the two end points in terms of costs and renewables, and Council can choose anything in between, of

course, or outside of that.

Morrison: And one other thing you mentioned, any taskforces that the Council might have appointed?

I don't know if it's appropriate at this time to raise this question or not.

And perhaps it's not really a question for you, Duncan, but the taskforce that we approved creating when we did the -- when we approved the solar plant, it's my understanding that hasn't been appointed yet?

Is that correct?

That's my understanding, Council Member.

Morrison: Okay.

So I guess it's a question for my colleagues just to throw out there what our plans might be for doing that and timingwise if we do want them to be part of this.

Mayor Wynn: Council Member Leffingwell.

Leffingwell: So I guess I would ask the city attorney, do we need a new item from Council designating how this taskforce is to be appointed?

Or what's needed to get it going?

Council Member, I don't know the answer to that question right offhand, but I'll have someone look at it and get back to you in just a few minutes.

Leffingwell: Okay.

I think jeff vice had a copy of the original draft resolution language.

So that was passed.

That might be helpful.

Yeah, it would be.

Leffingwell: So at any rate, I don't guess we have to have an answer right now, but we have to have an answer to determine if we need to post an item for a subsequent meeting.

Okay?

Mayor Wynn: Further questions of Mr. Duncan?

Comments?

Thank you, roger.

I'd like to recognize Mr. paul robbins.

Welcome back, Paul.

Appreciate your patience.

Mayor, Council, citizens of austin, I'm paul robbins, a consumer activist and consumer advocate.

I'm asking you to amend the planning process to analyze two things.

Carbon adjustments for nawk collar power and the widespread deployment of distributed generation.

Austin energy is evaluating nuclear power as one possible way of creating more electricity and reducing carbon.

Nuclear power is not carbon-free.

By most estimates, nuclear power is responsible for less carbon in a fossil fuel plant, but the amount of fossil fuel energy needed to mine and enrich uranium, build massive concrete plants and then decommission the old power plant and store it indefinitely, along with nuclear waste, that amount of energy is immense.

A recent report that I've looked at analyzed 19 studies that attempted to quantify carbon from nuclear power.

The average of these studies equaled one-sixth of the carbon from a base load gas plant and the highest of these studies estimated that nuclear power would produce two-thirds of the carbon emitted by a gas plant.

One of these studies actually calculates that with low-grade uranium fuel, which takes a lot of energy to refine, carbon emissions could be higher than a gas plant.

Roger Duncan has stated in an earlier presentation that analyzing carbon emissions from nuclear is not relevant isn't current federal legislation only acknowledges credits from power plants, emissions on site.

But federal legislation changes and even if this is true, we should not be bound by an imperfect federal law.

If the object of austin energy's planning is to lower carbon, it needs to do this in a real world with artificial models.

Regarding distributed generation, austin has some very good examples of this.

It has two downtown chilling stations.

It has two co-generation systems, including the one at dell hospital that helped the hospital attain the highest green building award -- the highest green building award, lead platinum.

It is the first hospital in the country to achieve this.

Yet news yasm for distributed -- enthusiasm for distributed generation has been waning at austin energy.

I think the idea should be reinvigorated and you can start by having it analyzed in this planning process.

So again, I ask you to include carbon emissions of nuclear power in the evaluations and to include a scenario that addresses distributed generation and district chilling and heating.

Thank you.

Mayor Wynn: Thank you, Mr. Robbins.

Good comments.

Let's see.

So Council, further comments on austin energy's presentation?

So it very well might be, Duncan, I wouldn't be surprised if at a future Council meeting when there's direction about the taskforce, there may even be additional suggestion or direction as for this work.

Thank you.

Very impressive.

Council, that takes us to our next briefing, that being -- did you have something?

City Manager?

No, no, in regards to the briefing.

Mayor Wynn: Our next briefings the strategic mobility program. Rob Spillar and the City Manager.

While Rob is setting himself for the presentation, Mayor and Council Members, I just want to note that the briefing that Rob is going to give you today really we view it as a major step forward in improving mobility for the City of Austin both in the near and short-term.

It embodies our -- our intent is to embody a comprehensive approach to transportation that frankly I found was necessary and needed when I first came to Austin.

I created, along with Good's assistance, the transportation department, to provide a focus on mobility and lead us in transportation planning, not just for our city, but throughout the region.

I think in order to create a fully multimodal system we are approaching our system not as a single agency, but rather as a regional partner with our other transportation providers in the region to collectively make comprehensive improvements for the City of Austin.

So it is with great pleasure Spillar standing before you today to make what I think is a very, very important presentation and kickoff regarding a strategic approach to mobility for Austin and for the region.

So Rob, with that.

Thank you.

If I could have the powerpoint.

As the City Manager introduced today, I'm here to talk to you about a new direction for transportation, and that is a strategic mobility program that is really focused on a multimodal approach to transportation.

And I just want to run you through some of our accomplishments that we've been able to achieve just in the first seven months since I came on board with the help of the City Manager and the assistant City Manager Robert Goode, and then talk to you about where the future is, where I believe the future is, and ask you for some support as we move forward.

I think you all will agree that the need for a strategic approach to transportation is pretty clear.

We know that we experience traffic congestion.

The challenges are economic vitality and quality of our life on a daily basis.

The lack of mobility is consistently rated among our highest concerns.

The chamber of commerce has been taking a survey of their members for the last seven years, and I believe that they will comment that transportation and mobility has been the number one issue for most, if not all of those years.

We also know that a non-coordinated single mode approach to transportation issues doesn't work.

We were looking at complex mobility issues.

We have to look across the spectrum of mobility tools that we have at our disposal to address those need.

And in a strategic approach, really complicates the evolving City of Austin comprehensive plan and the campo 2035 plan.

It allows the City of Austin to articulate our needs, not from a bull in a china chest approach, but really as the central city looking to partner with our other transportation agencies within the region and articulate our needs so that the region can help us meet those needs, we can meet those needs and we can d it with the right investments.

Our approach that we are proposing here looks at really three principles being innovate active, integrated and sustainable.

Innovative in that we're looking at new technologies to address some of our current and long-standing transportation issues.

Looking to be integrated, we know we have to be coordinated across our boundaries.

That we have to be coordinated in our providers here so that we are providing a regional approach to transportation and sustainable.

We have to coordinate land use with those transportation decisions, but we also have to look at short-term needs and medium term needs to give land use a chance to get the appropriate response out of the people and the public who are travelling in our future networks.

We're really talking about a mobility program that is made of four major pieces.

A circulation study, which we've already been doing.

And I'm going to tell you about some of the early benefits from that.

A proposed gap analysis that really starts to identify what the gap in our network are today.

And urban rail program, you know the city has been instrumental in this year advancing the urban rail

program.

And really a sustainability plan.

All of this links very closely and very well with the city's comprehensive plan in and the 2035 plan.

Let me step through here how this works together.

The circulation study really was launched earlier this year looking at issues in downtown, seeing if there are some quick ways that we can improve mobility in downtown.

And I'll going to be have been excited to tell you how we have actually improved traffic in downtown.

It has an urban rail component.

We know that we need to increase mobility across modes as we serve downtown and serve the central city.

We know that there's not room for new roads in many parts of our existing network.

And we have to turn to new modes of transportation to move those forward.

Those feed into a gap analysis, if you will.

It is my professional belief that within our current roadway and transit networks that there are gaps within our system that we need to address to meet the current demand.

There are roads that are missing, there are ramps at interchanges that are missing that we need to take care of just to meet our current demand on the system.

The system's gaps and the urban rail program obviously feed into a future mobility funding need, identifying what our needs within this community are, and that gives us an opportunity in the future.

I don't know when that future is, but at some point in the future to seek that extra funding that we will need to complete this system.

It also directly feeds into the campo 2035 plan.

We're working closely with neighborhoods and planning as they develop their comprehensive plan.

This body just chose the consultant for that.

This systems approach from a systems side will marry very closely with that bOttom's up vision look at

what we need in the future to give us a successful transportation system in the future.

And then that feeds into that sustainability plan, which is really a future phase of a sustainability and mobility plan that gives us a good basis for the comp plan, but also gives us a coordinated land use and transportation program in the future and then also a revised ama, cp and austin metropolitan area transportation plan that gives us a game plan if you will for our policy representatives both at campo and capital metro to use as the basis to help direct future policy or give you a good understanding of what our needs are, how we plan to be sustainable over the long-term and give us the way to help our sister agencies to better coordinate with us as we move forward.

So let me start with the downtown circulation plan and tell you some of the interesting things about it.

First of all, this body accepted a grant from the greater austin chamber of commerce back in december.

It allowed us to start to examine traffic conditions in the very heart of our region.

Approximately from the university to ben white moving north to south and from mopac to I-35.

It technically restarted austin's annual mobility count program.

The last time that we systematically went through and tried to get an understanding of how our traffic moves and interacts with our center city was back in 1992.

We have not taken regular counts since then.

We've relied on state counts which are less frequent than what we really need to form opinions and recommend policy to you all.

It also benefits low cost, high opportunities within the central city and we've done that.

Some of the early findings, vehicle routes in and out of central austin are full.

Let me repeat that.

Maybe that's self-evident.

The routes in and out of downtown are full.

The '09 volumes, the counts we just took, are essentially the same as 1992.

That is over a 17-year period when employment and residential densities grew ta dramatically within that same area.

It tells us a couple of things.

Number one, the peak periods of congestion are getting longer.

So the congested period of the day that we experience are spreading to take up more and more of the central part of the day.

We also know that car pooling and alternative use of modes of transportation are going up from a variety of other studies that have recently been published.

So those are the good sides of that.

What it also tells us is our current transportation network is super saturated, if you will.

Our ability to absorb traffic events, a stalled vehicle or an accident, really sends the entire transportation system into failure.

And that's a problem in terms of reliability.

The other thing that this points out is we have a ring of congestion around central Austin.

We know from commuting everyday that once you're inside that ring, which is somewhere south of the river, it's obviously at Mopac and I-35 and somewhere around Martin Luther King there's another edge of this ring of congestion, that we have a good grid of streets that allows that demand to spread out and it's fairly low congestion once you get inside that ring.

So I think this will start to direct some of the potential solutions that we might bring forward that may be different from ideas that we've thought of in the past because now we have a better understanding of what the potential congestion issue really is.

So early action.

With the help of City Manager and public works, as you know, we launched the accelerated Austin program to start bringing some of those projects that have already been approved and funded online.

We've been retiming signal systems.

One of the big benefits is we've linked the downtown networks with the university network.

As a traffic engineer and as a manager of a transportation program, it is rare when you get calls from citizens thanking you for being able to drive from Second Street all the way up to 11th, 12th, 13th AND Even 15th during many times of the day.

And I've been receiving numerous of those calls.

So already we've been improving the signal system allowing people to get through a larger number of signals by this action.

We've been intensifying the peak period monitoring of primary travel corridors.

As we started to get a sense of where this traffic was, we've actually been assigning additional traffic engineers to monitor the traffic through the peak period and we've actually been adjusting the signals when we notice that there is a saturation of one arterial versus the other and we're able to make interim changes to the signal system to flush those signals.

We've been doing it.

It's hard for the public often to realize that benefit is being given to them, but we're noticing a reduction in congestion because of that.

We're also coordinating with the austin fire department to determine the best preemption technique to help their operations during congested periods of the day.

I think this is just the tip of the iceberg because we're just now getting the output of the data.

[One moment, please, for change in captioners]

into another mode of transportation, so all of these have come from this focused study on improving circulation in downtown.

And then just this morning we asked for your support and received it to secure financing to finish critical interchanges, specifically the mopac at 290 or 70 ben white 71 interchange.

We've been supportive of txdot in pursuing the completion of I-35 at ben white boulevard interchange.

That is supposed to be let this august, assuming that the funding through txdot goes to completion.

So all of that comes from, again, this new focus on mobility and strategic alignment of access in and out of our downtown.

One of the next steps that we believe is important is the gap analysis, which is really the first part of establishing a strategic mobility program or a plan.

We need to identify the missing links in the system that includes the interchanges that we talked about just a second ago, but also it may include interchanges such as 51st street interchange up on I-35,

missing pieces of arterials.

There's a part of south congress where a 6 lane arterial for a portion of that corridor necks down to a four lane arterial and forever has been a a strain.

We believe there are missing gaps in the system.

We believe this needs to be a grassroots process where we go out and query the public as to where those gaps are, you know, in the transportation department i think I have something like 130 employees.

That means there's 260 eyes.

I know that there's a lot more eyes if we go out to the public and ask the public to their recommendations on gaps, and so that's this process.

We want to develop a short-term buildable solution that could be implemented as early as 2014.

One of the other benefits from the partnership with chamber of commerce is they have a committee called take on traffic, and in that group they have a number of civil engineers firms represented, and on their own they actually identified a list of about 30-plus missing gaps within our region, low-cost, high-benefit type projects that if funded and implemented could make a world of difference in terms of congestion.

We'd like to pursue that on a larger scale and make sure we're inclusive.

We'd like to partner with the comprehensive planning process so that when we're touching the public we're getting double duty out of that opportunity.

And then the urban rail program.

I've been recently asked about where we are on that.

We are actually ready to go out and acquire three studies, and when I say acquire three studies, i believe the City of Austin should lead these three studies and launch them very soon.

They are preliminary engineering study, an environmental study and an alternative analysis to cross the river.

Let me diverge and tell a little bit about these.

We know that the early planning that's been done on the urban rail project to date is at a planning level.

We need to advance this to the next step.

We need to start the preliminary engineering where we can lock down the alignments and the right-of-way concepts for these rail programs.

It will give us better cost information that we will be able to move into procurement and actually implementation of that project.

Environmental studies, we need to do an environmental study parallel to this so that we can explain what the environmental issues are, and we can understand what the potential benefits and impacts of that system may be.

And we need to figure out how the best way to get across the lake is.

I think I've told this body before that right now we're focused on south congress, but there may be a better way to get across the lake and we need to do that analysis in a public format and have that discussion, so that when we are ready to pursue this project, we are in a point position to pursue federal funds, we are in a point position for attract partners, to help fund the actual construction of this process.

I've heard recently that there is a move at foot at the federal level to make projects of this nature in that street car sort of urban rail genre of modes more fundable at the federal level, and we need to be prepared.

We need to have the information ready to be prepared to pursue that type of funding.

And then we get to the sustainability planning.

We need to move the debate about transportation and planning and designing for transportation in this region to a coordinated effort that looks at corridors, identifies the needs and then identifies the best tool to address that need.

Because we've been siloed in transit agencies, highway agencies, municipal agencies, I think that the solutions have tended to represent the agency that brought the issue forward to solve.

You need to move to process more tend to what both dallas and houston use where they have a coming together over a specific issue or corridor, for instance, I-35, and ask the question, let's define what the issue is and then how best to solve it.

I guess that gives us some opportunity, so look at some options on all of these corridors by putting these different shields and stuff up.

You know, we cannot constrain ourselves just to municipal streets.

We have to look at transit corridors.

We have to look at freeway corridors and highway corridors, and it's absolutely important, i think, as the central city that we take the leadership on that so that we can direct the result that will help us meet our transportation and mobility needs, and our land use needs and our desires for how we want this community to move forward.

And so we're excited that this should be part of the sustainability planning as well.

So what are the expected outcomes?

Well, number one, it would continue our effort to proactively address what selfishly I believe is the number one community problem in this community and that's the lack of mobility.

It drives our economy, and it drives our standard of living and our way of life, so I think it would give us the soapbox, if you will, to be that leader on this issue.

It gives us the ability to understand and address downtown congestion and keep downtown growing in terms of the economy.

It is my point that downtown and central austin is the economic engine of this region and we need to think about how we're going to continue to feed that engine as we move forward.

It is a regional approach where the city would certainly be the regional leader on these issues and help push the region forward on this.

It would be compatible with campo and capital metro, but it would give us the ability to advocate for our needs from a regional perspective, and I think that's important.

It would give us the information to inform voters and policy makers on future transportation issues, and it would give us a long-term coordinated planning to manage the growth corridors that we know are coming.

And so what are the next steps?

We will be coming, hopefully, as early as the 14th to ask for you-all to provide us direction to move forward on these major steps.

To obligate funding and project initiation, and we believe that we have identified a funding source for the strategic mobility plan as well as the rail studies, based on the mobility bond, the 1998 mobility bond refunds that we're getting from txdot.

Some of those funds we will have to shuffle around with some of our other funding mechanisms to make sure that we are consistent with the legal language that was in the law, but the fact that we get this mobility bonding money back that was unspent on the toll roads, it gives us the flexibility to fund these

studies by getting the funds, you know, correctly identified for the right study.

There are four distinct efforts that we're going to ask you to give us direction on.

That's the strategic mobility plan, which would start this intermodal planning and lead us to a sustainable long range plan.

It would allow us to look at corridors such as I-35 and mopac, where there's pressure by other agencies to do something sooner than we might have assumed, and it gives us the ability to come in with alternatives.

We would ask that you would give us the direction to initiate the rail program, which is the three specific projects, the urban rail, engineering, the environmental process and the crossing of the river study.

It would define the potential rail funding strategies as we go forward or we continue that effort.

We have been doing that, but this would allow us to accelerate that process and start talking in much finer detail with potential partners to move forward on that.

We do need to go back to campo at some point to quantify just how we would fund the implementation of this project, the actual rail project.

We would like to continue to pursue pass-through financing and other financing strategies with a good list of future gap projects that would give us a working list that we could use when federal and state governments ask for projects to be funded in the future, and it would facilitate public discussion on mobility.

It would really open up the doors, if you will, on to planning this community's future transportation.

So with that I will answer questions.

We're not asking anything of you today, but hopefully in coming Council meetings we will be back with specific proposals and we wanted to give you a heads-up, if you will.

thank you, Mr. Spiller.

Very impressive.

Council Member Leffingwell?

so with regard to the four things that you talked about that had to do with rail studies of various kinds, are you proceeding on the assumption that the City of Austin is going to build and operate a rail

system?

I am proceeding on the assumption that we will partner with the transit agency here to launch this project.

Council Member leffingwell, I believe that there are advantages for the city to be in the lead role on the planning and engineering as well as perhaps the construction of that process.

The reason I say that is that it is likely that a future rail system will interact very closely with our streets and our utilities, being the city and the owner of that street, and the utilities, it is in our advantage to perhaps lead that effort, or perhaps even own that effort.

Other cities, such as seattle, have done just that and then they contract with an agency to operate that.

I think all of those items have yet to be worked out but need to move forward in the process.

I'm not taking a position -- aren't we in a little bit of a unique situation here in austin, texas?

Do -- for example, is a voter approval required to proceed with this?

Voter approval I believe is not required to advance the planning and engineering studies.

In fact, even capital metro can spend money on planning and engineering, where they are required to pursue voter approval is in order to operate or construct the system.

And so if they were doing the construion or operation, they would be required to go to a vote.

If we were using funding sources to build or operate a system that required voter approval, we would have to go to the voters for an approval.

I that is true.

But neither of us are restricted from spending the money to get the information through planning and engineering to put information before the voters.

further questions of Mr. spiller?

Comments?

Again, I think it's very impressive.

Council Member Morrison?

Thank you, and thanks for all the great work.

Thank you.

and I think that it's terrific that you're taking a look at both short-term immediate solutions to try and solve a few of the headaches that people have in this city as well as obviously part of comprehensive planning, and that's going to be a really exciting part of it, so I'm glad you're thinking in those terms.

And then the other thing, of course, is multi-modal and talking about rail.

Voter approved or not, we need to make sure if we're going to go forward that it's something that the citizens of Austin buy into.

And one of the things that struck me is that the mobility study or the counts that you're doing, you said that basically covered sort of UT to Ben White; is that correct?

And I also noticed, also, a lot of focus on downtown and the region, and I just want to emphasize that for a lot of people there's a whole lot in between, between downtown and what we think of as the region.

And so I was a little surprised that our mobility count only went up to UT because there is lights north of UT, a whole lot of it.

And while I certainly understand the point of downtown being an economic engine for the city, I think that it would -- I think there's probably some terrific short-term solutions that maybe you're already talking about with the whole circulation study, for folks, you know, all the way -- that live in Southwood and Allandale and Rundberg and all of that.

So do you have plans to do that or are you already doing that?

And I certainly would not want those Austinites to feel left out.

That was not the plan.

Because this is grant funded the focus was on the area that the Greater Chamber of Commerce was interested in, and also because of the very unique situation that downtown represents such a large percentage of the employment and the congestion.

Anecdotally, that's where the most immediate need for improvement was thought to be.

Our hope is to expand that annual count program, so it does include the whole city so that we can have a better annual understanding or a biannual understanding of where that traffic is flowing.

Part of the gap study is to do just that, expand that focus from central city out to the entire City of Austin,

and that's where we really need the help from all the citizens because we know they experience congestion in different places at different times, and we need their help in identifying where an additional center left turn lane, where a change in centralization could benefit us.

In fact, some of the recommendations that we got from the greater chamber did expand outside the central area, and many of those projects are of great value, but they still need to be funded, and so that would be part of that gap analysis is to identify a funding stream for those larger sets of projects.

Absolutely.

And do you have a timeline on when you might start collecting input from citizens on where the problems are?

Because I think you're going to get a whole lot of input.

I think we are.

People are ready to give it now.

I think we are.

Well, we'd like to come back, like I said, on the 14th to get direction from this and move out.

We do need some consultant support to do -- to launch that strategic mobility plan of which the gap analysis is that first piece.

Our goal would be to do -- complete the gap analysis, which is identifying the needs within the community in about an eight to 12-month process, and then that allows us to move into analyzing the feasibility of those issues.

Some of those will be easy to determine.

Hey, we can move that straight into operations, fixes right away.

Some will take some analysis of how we do it, what's it cost and how we fund it.

So -- and actually some -- the traffic management system watches areas all over the city and does intermediate -- or temporary solutions, realtime solutions, based on what's going on too.

Absolutely.

Right now we actually have a limitation with our software system.

We have a limited -- you know, I would like to tell you that we're able to hit a button or flip a switch when

we see a certain pattern of traffic and an entire network changes.

Unfortunately that's not the way it is.

We actually have to go in and make incremental changes.

It's fairly quick, but it still is not an automatic fix.

I'd like to tell you that that's where we were headed, is that we'd be able to prethink some of these very congested corridors and know that when they get congested we're able to fix it with a switch of a button, the signal system.

I think also important is getting more information out to drivers.

You know, you go to houston, you go to san antonio and dallas, drivers there have a much higher level of information so that they can make to travel, what route to use or what mode to use.

I talked about how in houston on your personal data assistant you can pull up a map, a realtime map of the roadway system and get information about travel times.

In san antonio you have arterial appropriate neighborhood, appropriate variable message signs on arterials approaching the freeway system, so oftentimes before you even get to the freeway on ramp you know if that's congested so it gives you an opportunity to divert and go a different way, and in dallas, like houston, has a very mature high occupancy vehicle lane.

I think it's interesting that here in austin I read a report recently and I wish i could quote the name of it, that says we have carpooling at around 10% or better, and that's without a lot of incentives given to carpooling.

I believe that now when i see traffic counts in and out of the central city that haven't grown vehicle -- vehicle trips, that haven't grown since 1992, yet we know that employment and residential has consistently been added to downtown.

I think that's a great success story.

We need to now see how we can incentiveize that very phenomenon, if you will.

I have to say that's a surprising number saying that the number of vehicle trips in and out of downtown between 1992 and now hasn't changed, because when people are on the roads into downtown they look more crowded.

I think they look more crowded because that period of day is -- you know, when they're crowded

extends for a longer period of time.

We just did a volume to capacity, if you will, a analysis, and in downtown we're full.

It's a one.

So we have as much volume as we can force-feed through.

I think drivers are smarter and so they're switching to motorcycles, they're switching to various things that they can, you know, forth-feed, if you will, in there.

Moving south of that central area, as we approach ben white, it actually gets worse because we have arterials that discontinue as we move south and the volume actually exceeds the capacity by 10 or 20 or 30%.

So we really do have a mobility issue, and I just point that out.

We have similar situations to the north, east and west.

Morrison: thank you.

Council Member Cole, yes?

spiller, i certainly want to thank you and the City Manager for this great work.

We all have been talking about transportation issues, and I know getting the actual analysis done is a considerable amount of work.

I wanted to ask you a couple of questions.

We've done a lot of talking about rail, and I support rail, but I notice that on one of your slides, the sustainability plan that you highlighted I-35 and mopac, and I happen to think that those are one of the major issues of concern to many of our citizens because that's where the bulk of them travel.

So I'd like to ask you to give a brief outline of what your preliminary research has shown or what you would suggest about, first, mopac.

Well, let me tell you some of the observations i have.

You know, the neighborhoods that are stuck between lamar and content are summer our neighborhoods that express the greatest concern about cut-through traffic.

And we know that as congestion increases on mopac, that cut-through traffic and the spill-over into the

neighborhoods, the impacts to the neighborhoods often increase.

I hear it.

Most of my complaints are sort of from concerned citizens in that area.

I believe that working with the various regional transportation authorities that are focusing in on mopac in the next year, that we can bring that issue to the table and start to address how can we get rid of some of the bottlenecks on mopac while at the same time we contemplate improved capacity in some situations, whether it be hov or -- excuse me, managed lanes or something on mopac.

I think I-35, we need, as a community, to take a look at in terms of a corridor study.

I believe that there are incremental operational improvements we can make to central portion of I-35 that would dramatically change the traffic congestion situation on that major freeway.

I think providing information further out on the corridor as to alternative routes, certainly 130, when that is connected through to I-35, if we can divert a number of the through trips to 130, we may have a very different traffic situation, and therefore a very different solution that might come forward on I-35 than previously has been considered.

You know, txdot in the past has considered adding capacity, and when they looked at that it really resulted in a single hov lane in each direction plus what's called circulation distribution lanes.

I think we can achieve many of those same functions with the existing pavement that's out there by fixing how it operates.

That may lead to an opportunity to provide greater connection between east austin and downtown, eliminating some of the barriers that may be there now may have operational benefits as we move forward.

So I think the only way we go ahead there, though, is by busting through those silo walls and saying, you know, this is a community issue, it's not just a txdot issue, not just a capital metro issue.

We've got to bust through those because it's in our interest as the central City of Austin to be in the leadership role on some of these tough issues to generate alternatives that could be to our benefit.

well, I would definitely like to see I-35 and mopac, but in particular I-35 made a high priority, not only because of the east-west issues, which are paramount, but also I just think that the mobility issues are especially intense on I-35.

I remember seeing a study that showed that austin was -- and I-35, certain segments of it, especially the segments that goes through downtown, are the most highly congested in the nation with the exception

of a few areas in houston.

Am I right about that study?

I would agree with you.

I would agree with you, absolutely.

And you know, what's unfortunate is many people -- many people's impression of austin's congestion level is based on one facility, and that's I-35, because those trucks from the port at laredo, by the time they leave and get through customs hit here right at the peak of the congested period, which only exacerbates our problem.

I don't think it's a simple solution, but I think it's one we're ready to take on.

I would actually propose that we do a mini corridor study as part of that early gap analysis, and so within the next six to twelve months we would start to react to putting on the table some alternate solutions that maybe haven't been contemplated in the past.

well, that brings me to my second line of questioning, because you pointed out some refunded 1998 mobility bond from txdot.

Yes.

and when you talk about your gap analysis, are you going to be coming back to Council for funding to actually pursue some of these studies and which ones -- I don't have a feel for what's actually going to be on the table.

What I believe we will come back to you for is in terms of a request for Council action, is direction from you to go out and launch these studies and dedicate funding to hire consultants to move forward with these very significant studies.

And so that hopefully would be on the 14th, and we'd be looking for direction from Council to -- staff to launch that.

And then we would be coming back when we had narrowed the selection down to the appropriate number of finalists to ask for your approval of a consultant selection.

So you're going to get two more bites at this opportunity to move this forward.

would I-35 be a portion of the -- of studies that you would be asking for to lunch?

Yes, I-35 would be part of the gap analysis that we would be looking to launch, yes, ma'am.

Cole: okay.

Thank you.

further questions of staff?

Comments?

Again, very impressive work, rob, and I -- thank you.

I commend the City Manager for the position.

Let's see, that's about to take us to our final afternoon briefing.

I apologize for the delay, everybody.

That being our briefing on our federal stimulus application, if you will.

Welcome, Mr. Greg Canally.

Greg Canally: Thank you, Mayor, City Manager, Council Members. I will summon my inner Philadelphian and talk as quickly as I can so we can move this forward. I'm pleased to be here today to walk you through and give you an update on our federal stimulus activities. It's been a very fluid exercise that we've been working on over the last, basically, eight to nine weeks, but I think it's been a very productive one. We've made a lot of progress in getting our hands around what is a very overall complex -- complex issue.

As staff -- we've been working for eight to nine weeks on understanding this and staff has been working very hard on making sure we're looking at all of our opportunities, and as we're doing that we're keeping in mind overall objectives.

First and foremost is secure funding, making sure we're not passing up opportunities that looks at investing in austin's infrastructure, its people and also the services, the services we provide as well as our partners. We're looking at leveraging existing programs the city does as well as other programs that are done on a regional basis. We want to ensure that we're having public processes in place for certain components that draw on the expertise and the advice of all those people in the austin community, and then finally we want to deliver and implement the funds that we do get.

So quickly today I'm going to walk you through an overview of the overall stimulus package, talk to you about our program areas, and then really finalize talking about our outreach and communication, which i

aspect of our overall approach here.

Just quickly, the legislation was passed in february, nearly \$800 billion. Over 200 spending prograMs. There were obviously lots of tax provisions that were passed as well. Originally when it was talked about prior to its passage, there was a lot of talk for going towards ready-to-build projects. Some of that did stay in the funnel legislation, but a lot of the funding has gone to existing programs, in some instance operating prograMs. The funding that is available around the country is both coming from formula allocations based on population and other ways of splitting up the funding, competitive grants. Both of these make come directly from the federal government and the agencies or may come -- pass through from the state of texas.

The thing I would mention is there are many -- given the size ofhis package, there are many different timelines and structures and guidelines, and as I said, it's a very fluid, often undefined process, and so in the end a single -- the city will not have one big stimulus program, but in the end we're going to have various programs of a stimulus program.

And in the end, as everyone has been talking about, this will be delivered with a high level of transparency and accountability, I think unlike we've seen anywhere else in federal government. Quickly, looking at it from the city's perspective, we have identified right now 26 different programs across ten federal agencies that have or could provide direct funding opportunities for the City of Austin. And I'll talk at the end of the presentation about indirect funding opportunities, those funding opportunities for our partners that we certainly would benefit from but we would not be the lead grantee on that.

For ways of structuring this, we've looked at it in terms of infrastructure, energy, public safety, and then finally community services. And just some quick stats. We have received already 9 million in formula awarded grant funds for about four programs and we'll highlight those, and we have applied for nearly \$34 million in competitive grants, and those grants, again, we're waiting to hear from the federal government on those. So first let me talk about our infrastructure area, and what I'm going to do here is just quickly go through talking about it from a federal agency perspective and then some of the opportunities that we have, and I will say we have made available a detailed list for both you and it's on our web site for the community to see, basically our tracking log of all the programs that we have, funding that we have applied for, funding that we expect to be getting, and trying to get a status update and that's something we'll try to keep updated so everyone can see what we're working on. Again, starting with infrastructure, the department of agriculture has a program that would allow us for wild land management and so the austin water utility in the oversight of their preserved lands has identified three projects that could help assess some situations up there on preserved land management dealing with urban-suburban interface with the preserved land. So far we haven't had any guidelines or timelines out on that. It's an overall \$500 million program nationwide. Sounds like a lot of money when you start splitting that up. It will be a very highly competitive one. Bureau of reclamation and the department of the interior has a program, a conservation program, it is only a \$40 million program nationwide, but the austin water utility has identified three programs looking at the low income efficiency leak program or the help program, where we go out and we could go out if the funding were received to do plumbing

repairs for low income populations, continuing the direct install toilet and also looking at subservice leak detection to enhance the utility's efforts on that. There's a grant deadline coming up on the 19th, and again that is a -- going to be a very highly competitive, only \$40 million available. The epa has three programs that we think we are eligible for. The biggest one, really, is part of the clean water and drinking water programs. There's a total of \$6 billion available nationwide. The funding is flown through the Texas Water Development Board. The Austin Water Utility has identified 30 clean water projects that could be eligible. Typically the city has not participated in the water development revolving loan funds because we're able to access capital at a cheaper rate than they could offer. However, these funds will come in the form of grants or no interest loans. So we've gone through the process of working with the water development board, getting our surveys in. We expect the termination in May or June. Overall the state has about \$300 million as part of their program. The brownfield program, this is a program they're not really accepting new applications but the city has had prior applications in that have not been approved dealing with some brownfield assessment and underground storage tanks. We'll have to wait and see again. There's no determination yet on that. The department of transportation, there are four programs, the first is from the FAA, the city may receive up to \$9 million. An additional FAA fund is part of the stimulus program to help fund the remaining overnight apron project that is currently in the planning and actually in the bidding stage. The first -- the first stimulus discussion I think we had with the Council and the community was really back in January dealing with transportation and the funds that were flown from the federal government to the states and then down in Texas to the MPO's. We are still waiting word from CAMPO on how they're going to allocate their share of the 3 billion transportation funding, and that 2.3 billion is statewide. The city submitted projects as part of the CAMPO call for projects. Again, that was communicated back to the Council in January and again we're still waiting. We're expecting in the range of 8 to \$10 million. There is a competitive grant program for transportation. This is an area where cities around the country are eagerly hoping to get out knowing that a lot of the money went directly to the states. There are no guidelines out about this yet, and I know Conference of Mayors is working diligently on ensuring that this program is really set aside for cities and communities. And then finally we're not sure yet on one area, but there is obviously a large amount of money set aside for the rail program nationwide. As Rob just talked about, we're not in the place to be asking for requesting funds as part of that, but we're looking at if there's a way to fund some infrastructure needs that are at our station today, and we're working with Cap Metro to look at the requirements as part of the DOT funding. Turning on to energy, obviously a really key area for the city. The department of energy has a lot of programs that are available to us as well as the EPA. The city has received 5 million in energy efficiency conservation block grants, which is a new program that -- that I know our Mayor and Austin Energy were involved in getting -- really getting creative during the last legislative session in Washington. And we are -- we would be planning on allocating these fundings to city projects to help on all of the facility upgrades, light switches, thermostats, weatherizations, where we know we can have a quick bang for the buck on these improvements. There is another piece of funding, a \$400 million competitive program as a part of this, and AE staff will be looking to enhance our existing energy efficiency programs that we offer to AE customers and we think this will be a good opportunity to do that. No guidelines or timelines are out on that. 5 million for smart grade. No information out yet. Certainly that's an area where we can look at our Pecan Street project getting some funding there. The weatherization funding is flowing through the state. There's \$5 billion nationwide. Still waiting state guidelines. We're trying to set

up some meetings with them to understand how that money is flowing. It's coming through the county, and we think we'll make some headway on that in the next couple weeks. And then finally on the energy side, I think we've had some really good opportunities here with diesel reduction and alternative fuel. I sent a memo out earlier this week. We've applied for \$11.8 million epa grant. This will allow us to retrofit or replace close to 150 diesel vehicles on an accelerated standpoint. These are in our enterprise funds, things they would have done already and it really helps us make a dent in emission. We would pick up about \$7 million of that cost again, funding that would have already been programmed not this year but in the following years in our enterprise funds and the epa would pick up the rest. We also collaborated with capcog on this process. They were working with the school district, the grant includes about \$500,000 to do some retrofit emission equipment on school buses. Again I think really getting at the heart of what the stimulus package is about is collaborating on a regional basis. We also have started looking at a doe grant for infrastructure and vehicles. We had a very successful public forum with regional fleet operators last friday. We had nearly 25 fleet operators represented to talk about ways that we can partner as a region to start tackling alternative fuels in terms of building sites so we can all collaborate together. It was a very -- it was an e forum and we're planning a follow-up up one to see where people are interested in partnering. And at the minimum the conversation has continued on this. Again it was both governmental and private entities and we're still discussing our options and we'll come back to Council at a later date to discuss this in more detail when we continue. I wanted to show you one of the efforts from that public input stakeholder forum. We had regional fleet operators put pins up on a map to see ideally where would we want to locate some facilities that we could all benefit from. Finally, public safety, a lot of this we had talked about earlier, about four, five, six weeks ago. We have applied for for some department of justice money for our police department. Under an additional one we have also our downtown community court has applied for funding to help enhance our austin recovery program to allow for some more housing allowances for homeless who complete treatment programs. Right now they only get about a month. This would extend it to three or four months which could obviously be a very important thing at this time. And fen-phen alley the department of homeland security under fema. They have \$225 million available for fire station upgrades. It's going to be a very highly competitive program, when you spread \$225 million out across the country but we would target getting additional women lockerrooms, expansions at our stations. No information is out from them yet. Finally community services, there is some wic funding out there. Currently the city gets about \$5 million in wic funding. We'll see how those guidelines come out. Health and human services, there's a million-dollar for miewnizations. No money yet. The department on hud -- the homeless prevention and rapid rehousing program and the cdbg that we were here last week, margaret shaw and David lorri were here last week to talk to you about the public hearing that we occurred. We are in the middle of a public process to determine how to program and allocate this funding and we will come back to Council on may 14 with final recommendations and prior we'll be going to the cdc. And finally the first grant we applied for was national endowment for the arts grant for \$250,000. If we get that funded it would go into the mix for this upcoming arts allocation. And what I really wanted to talk about is the public process we've been working on. Obviously we've had some extensive processes under way for our homeless prevention program and our cdbg. We have a web site up soliciting ideas. We did alternative fuel meeting last week. We'll be having an additional one in the upcoming weeks. On the coordination. I think this is really a key component of our objectives and our strategy in terms of looking at our stimulus

funding. It's important that we work together with our regional partners, both governmental and non-governmental, and we've started that effort on a lot of fronts. First and foremost we've created an intergovernmental executive stimulus team representing all the five jurisdictions but we're also partnering up with agencies such as can, the chamber, to make sure that we are all having this conversation about this. We're going to focus obviously on transportation, aligning our infrastructure and energy with our work force development efforts that are going on in the region, and the chamber has created a green jobs task force that we are participating in. We've been meeting with work force development people and will continue to do so. As part of that we're going to create staff-level working groups where we can dig down on specific areas and make sure we're connecting the dots where we can connect the dots. We'll provide reports on these to our joint subcommittees as well as each of our elected bodies. And then I'll wrap up with something that we're all very excited about. I mean we've talked about -- I think it's been talked about the last couple weeks, holding a stakeholder stimulus meeting the week of may 18. We're trying to get the calendar date set, but it's going to be a co-hosted event with the city, the county and community action network as well as other governmental partners. And this would mean a chance for us to come together and really have a discussion did information, and almost network about what each agency is doing, what we're not doing, and also try to start lining up people with the correct information to make sure that they are given a lot of short deadlines out there that they are spending their time wisely and going to the right place. We're going to put together our meeting week. Collaborative week. We'll focus on social service providers and our work force development agencies out there. More information will come on that once we set the date and we'll that out to everybody and communicate it so we can have a good thorough discussion about that. Next step, we'll continue working on all of this, assessing our programs, monitoring and working with our federal lobby team and our delegation to ensure that the funding we have gone after we can secure as much as possible. And as always I'll continue to send you my memos about what we're working on. All of this is on-line. We have a detailed analysis on-line about what we've been working on so everyone can track that as we're working on it.

And with that I'll take any questions. thank you, Greg. Very impressive. Questions to staff, Council? Comments? We greatly appreciate the additional public outreach, and I hope that our continued conversations with the administration, somehow that carries more favor than just the projects themselves. So thank you. Thank you, greg. So I think technically now I need to quickly recess this meeting of the austin city Council in order for us to call to order this meeting of the board of directors of the austin housing and finance corporation and welcome, Ms. margaret shaw.

Thank you very much, mr. president. Margaret shaw, treasurer of the austin housing finance corporation. I bring before you today five items. Two of them are administrative, item one is to adopt and approve the january 15 meeting minutes, and the last item, item 5, is to approve a resolution appointing a staff member to the board of our three oversight boards for the three apartment complexes that the hfc is the owner of. And then I'm happy to bring forward to you today three action items on consent that represent, again, some of our great partners here in austin. The first one, item 2, is a loan to the black land community development corporation, a long-time partner, to create seven rental housing opportunities for families here in austin. The second -- the next item, item 3, is with the chestnut neighborhood revitalization corporation, which will create a 22-unit multifamily complex for elderly folks

on east mlk, and then item 4 is another partnership with the neighborhood housing services of austin, which is a loan for them to create two single-family rental opportunities, again, with this board's policy ideas in mind, two of those properties are providing single-family housing opportunities for families, and then our very low income elderly are going to be served by this 22-unit complex on east mlk. So that's about 38 million to get us 30 units, of which 28 will rent below 50% of mfi, and the board's contribution is on average about \$50,000 a unit, representing only 37% of the overall deal. So we're happy to bring that before you today, and I'm happy to answer questions if you have any. thank you, Ms. shaw. So, board, we have a proposed five-item consent agenda. By the way, who is the lucky staff appointee on item no. 5?

Yes, sir, and actually with staff turnover you'll be seeing more of these resolutions as we hire other folks. Donna demereki has the great reward, replacing -- and he went back to run stimulus programs for the state of texas.

Mayor wynn: great. And so we have a proposed consent agenda approving all five of these ahfc items on our agenda today. I'll entertain that motion. Motion by board member Morrison, seconded by board member shade, to approve this five-item consent agenda as proposed. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion passes on a vote of 7-0.

Thank you, board members. thank you, Ms. shaw. So that being all the business before this meeting of the hfc board, we stand adjourned and I'll call back to order the meeting of the austin city Council. Takes us to our zoning cases greg guernsey.

Thank you, Mayor and Council. I'll try to be quick about this. zoning ordinance, restrictive cover nans or amendments. These are the items I can offer for consent on this portion, item 45, case c14-2008-0006, stubbs south, for property at 801 and 803 red river, to rezone to central business district, central urban redevelopment, conditional overlay or cbd-cure combined rezoning. This is ready for second and third reading. 46 is case c14-2008-0007, stubbs north, the property at 605, 607, 611 east 9th street, 811, 815, 817, 819 red river street. This is to zone the property to central business district, central conditional overlay or cbd-cure combining district zoning. This is ready for second and third reading. Item 47 is case c14-2009-00303, the austin chinese church at 11118 dessau road. This is to zone the property to limited over, lo-co combining district zoning with conditions. This is ready for consent approval on second and third reading. 48, this is case c14 h-2008-0023, known as the bradford-nohra house at 4213 avenue g. I'd like our law department, deborah thomas, would like to speak to you about this item. welcome, Ms. thomas.

Thank you, Council, deborah thomas with the law department. Council, the owner of this property filed a lawsuit with regard to the bradford-nohra house, and the law department is -- the law department would like to review and we'd like to ask for a postponement until the may 14 agenda. Could we have that time

to do some research on the issues that were raised. thank you, thomas -- and of course, as folks saw and we announced several times today, we did have a discussion of some of these legal issues related to that lawsuit in closed session earlier today. Thank you, deborah. So Council, our proposed consent agenda then on these cases where we have already conducted and closed the public hearing would be to approve on second and third reading items 45, 46 and 47, and to postpone item 48 to our may 14, 2009 meeting. I'll entertain that motion. Motion made by Council Member shade, seconded by Council Member Morrison, to approve the consent agenda as proposed. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion passes on a vote of 7-0.

Thank you Mayor and Council, make it to our, zoning and neighborhood plan eamentdz. These were the had you been hearings, open as possible action. The first item I'd like to offer for consent approval is item 49, this is case c14-2009-0033 known as the upgrade electrical service. This was a property at 513 thompson lane to zone the property general commercial services or cs district zoning. The zoning and platting commission recommendation was to grant general conditional services cs-co combining district zoning. This is ready for consent and approval on all three readings. Item 50 is case c14-84-457, rca chrysler dealership property at 6905 south ih-35, service road northbound. The proposal is to terminate a portion of the restrictive covet r covenant that applies to this property and this is ready for consent approval. Item 51 and 52 both relate to the highland combined neighborhood planning area vertical mixed use. 51 Is the case 01 and the related zoning case is for -- 52 is case c14-2009-0012. Staff is requesting a postponement on both of these items to your may 14 agenda. That's item 51 and 5 # 1 2. Case 53 is c14 h-2008-0037, texaco depot property at 1300, 1304 east 4th street. This is to zone the property to transit oriented development historic landmark or tod-h combining district zoning for the structures only. The planning commission recommended the tod-h imling district zoning for the structures only and this is ready for consent approval on first reading only. 54, case c14 h-2009-0004 known as the miller house at 4810 rowena avenue. We have a postponement request by the neighborhood. The applicant agrees with the postponement to june 18 on that item. So that would be a consent postponement on item no. 54. 55 is case c14 h-2009-0005, non as the governor dan moody house at 2302 wood lawn boulevard to zone the property to family residence-historic landmark or sf-3-h combining district zoning. The planning commission recommended the sf-3-h combining district zoning. This is ready for consent approval on all three read evenings. Item 56 is c14 h-2009-0007 the gambrell house at 1410-watt ain avenue. Sf 36789 h combining district zoning. The planning commission is to combine it and this is ready for consent on all three readings. 57 Is c14 h-2009-0008 mass i page house at 1305 nofort wood road, to zone it to sf-3-h combining district zoning. The planning commission's recommendation was to grant the sf-3-h combining district zoning and this is ready for all three readings. 58, case c14 h-2009-0009, the cullers-adkins house at 1515 westover, to zone the property to family residence-historic landmark, or sf-3-h combining district zonings. The planning commission recommendation was to grant the family residence or sf-3-h combining district zoning and ready for all three readings. 59 Is c14 h-2009-0010, green wood nina wooten house. This is to zone the property to family residence-historic landmark or sf-3-h. The planning commission recommendation was to combine

this and it's ready for all three readings. And that's -- that concludes the items I can offer for consent. well done, mr. guernsey. Thank you. So Council the proposed consent agenda on these cases where we have yet to conduct the public hearing is to close the public hearing and approve on all three readings, item 49, to close the public hearing and approve the termination of the restrictive covenant on item 50, to postpone items 51 and 52 to our may 14, 2009 meeting, close the public hearing and approve on first reading only item 53. We will postpone item 54 to our june 18, 2009 meeting. Then we will close the public hearings and approve on all three readings items 55, 56, 57, 58 and 59.

Mayor, if I may, just to 50, that's to terminate a portion of this covenant. There are amendments also attached to that. You are cor that would be just for consent since it's a form of restrictive covenant.

Mayor wynn: correct. So I'll entertain a motion on that proposed consent agenda. Motion made by Council Member leffingwell, seconded by Council Member shade, to approve the consent agenda as proposed. Further comments? Hearing none, all in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0. G.

That clues the portion of the -- concludes this for this evening. thank you very much, mr. guernsey. Well done. So Council, that essentially 00 public hearings and of 30, so at this time I will announce that the Council will go into executive session and perhaps take up 41, the valuation -- performance evaluation of our city manager while I and other Council Members are out here for live proclamations, and so stay tuned for Ryan Harkrider, our musician here in a few minutes, and then we will conduct our proclamations and the Council may or may not be conducting the performance review of the city manager in closed session, likely grabbing a bite to eat while I'm out here for music and proclamations. We will start our public 00 as possible. And so we are now in closed session, technically. Thank you. Boruvka boruvka okay, folks, welcome back to our weekly live music gig here at the thursday city Council meeting. Joining us today is singer songwriter Ryan Harkrider. Ryan started his professional career as the lead singer and songwriter in the band hello and is a member and musical director of ut's notable group the ransom notes. He's set to release his debut solo album and can be heard as the front man with the group the night howls. Ryan was also selected as one of the five finalists for the austin convention and visitors bureau 2009 austin song contest, essentially the official song of the city of austin. You can go on to austin, org to vote on one of those five songs. Please join me in welcoming Ryan Harkrider.

[Music playing] [?? singing ??]

Thank you. [Applause]

Mayor wynn: well done. Nobody wants to leave. Sounds like a city Council meeting. [Laughter] lasts all night. All right. So in anticipation of your cd coming out this year, where can we -- can we go on-line and

listen to your stuff? Do you have a web page. com slash my name, Ryan Harkrider.

How about where might we see you gigging next with the night howls or ransom notes or whoever?

We're taking a break for about a month to make the record but I have a few shows in June and we're playing a midnight rodeo, we're playing in San Antonio, so, you know, keep checking the web site and I've been playing at the hole in the wall and different places here in Austin so, you know -- that's fabulous. And so remind us, how much longer does the song contest go on? It goes until next Tuesday.

Go to austintexas.org. There are five local singer/song writers who have been song writers for the official song of Austin. You can listen to all five songs on-line and give us your choice for the official song of Austin. And before Ryan gets away I'll read the official proclamation that says, the city of Austin, Texas is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because Austin audience support music by newcomers alike and we're pleased to showcase and support our local artists so therefore I, Will Wynn, maybe of the live music capital of the world do hereby proclaim today, April 30, 2009, Willie Nelson's birthday, as Ryan Harkrider Day in Austin, Texas and please join me in congratulating this fine young talent. [Applause]

And so while Ryan breaks down on that side of the room, we'll come over here and use this podium to do our weekly proclamation, as we take this time each week to say good-bye or congratulations or thank you to special people. We often use the time to try to raise awareness about good causes, and so my first proclamation technically is a distinguished service award, and I see a number of EMS uniforms here, and so I don't know if they're going to join me up here or not, but I trust Angela will at least come up, right?

[Applause] Get all the uniforms behind me here for -- makes for good TV.

Mayor Wynn: all right. So Angela dressed nice to sort of balance out the rest of this crowd here.

[Laughter] Technically the proclamation is the distinguished service award for Angela's retirement. I'll read the award, and then hopefully we'll either hear from some colleagues and/or I hope we can talk Angela into saying a few words. So the official city of Austin distinguished service for more than 28 years of dedicated service to the citizens of Austin, first as a member of the Austin Emergency Medical Services, then of Austin Travis County EMS, thing la boruvka, I hope I pronounced that right, is deserving of public acclaim and recognition. Her atc EMS career has been marked by dedication, passion, and a vision of life, health and safety. Her leadership has been instrumental in strengthening the bonds between emergency medical services and the rest of the community and in bringing an enhanced sense of professionalism to Austin Travis County EMS. This certificate is presented with our admiration and appreciation for exemplary service to our community this 30th day of April, the year 2009, signed by me, Mayor Wynn, but acknowledged by the entire Austin City Council, a distinguished service award to Ms. Angela Boruvka.

[Applause]

Well, it's with real mixed emotions that I stand here at this lectern today. First of all, really happy for angela because I've known her most of both of our careers. I've been here for about 23 years. She's been here for 25, and no one is more deserving than a retirement and being able to take a break than angela. Angela is like the mother of ems in that she makes sure that everybody is certified, attends training and is in the right place at the right time. So for that -- and I think i can speak for most of ems, we're very, very happy and excited for her. But we're also very deeply saddened because most of us have never known an austin-travis county ems without angela, and we're starting just now to appreciate some of the things that she did behind the scene, and we're struggling with multiple people to try to pull all of that together. She's taken care of us for years, and I can't stand here and even start to describe what she means to all of us, and the special place that she has in all of our hearts, and what an impact that she's had, mostly indirectly, but to our community, making sure that we're all equipped and trained and informed and ready to go out and do our job in austin and travis county on a daily basis. But I will say congratulations and there is certainly no one more deserving than -- of this retirement than angela. So congratulations, angela. [Applause]

Oh, I don't speak well in front of groups. But I do want to say a couple thank yous. I'm going to try to make this funny so I get off my edge. I want to thank revol for waterproof mascara, first of all. And I want to thank everyone. I miss being at work, I miss everyone, I miss -- I'm happy but also very sad. Thank you.

How about a group photograph. Come on. [applause] Revlon Annick

And for my next proclamation as regarding national bicycling month, which starts tomorrow, may, so I'll read a proclamation. I'm joined by a number of city staffers who have been instrumental in austin as we try to piece and craft our overall bicycle plan. There's lots of moving parts to it. Everything from the obvious things like bike lanes, also about raising awareness, it's about combatting bicycle theft here in town. It's a big, broad effort and it's a lot of work, but we should be proud of the spot we're in and we all recognize there's a lot more work to do. The proclamation reads, the city of austin is a silver ranked bicycle community based on its facilities and community outreach and whereas bicycling is an affordable and healthy mode of transportation for thousands of austinites currently and whereas the city neighborhood connectivity divisions, bicycle program encourages more austinites to choose cycling as a mode of transportation and exercise, so now, therefore, I will wynn, Mayor of the city of austin, do hereby proclaim may 2009 as national bicycling month in austin, and before sam orneek comes up, please join me in thanking these fine city employees. [Applause]

Thank you, Mayor. The public works department is very proud of our city's effort as well as the citizens' to use their bicycles as an alternate means of transportation as well as recreation. The individuals you see behind me, as the Mayor said, they're part of the bicycle program and they are very dedicated to the cause, and we're going to make sure that the infrastructure is in place so that our citizens can have a great experience cycling around town. We are also very pleased to kick off bike month with lots of cycling events, and to tell you a little bit more about all these events I'm going to ask annick to come up

and say a few words.

Thank you, sam. Tomorrow, live from the plaza, is not only going to have music but it's going to have a celebration of bicycling with lots of information about what's going to go on during bike month with lots of our partner organizations. The city has partnered with many cycling clubs and other cycling organizations. Capital metro will be out teaching folks and letting you practice putting your bike on a bus rack, because that can be quite intimidating, but it's a great way to get around if you live more than two or three miles from work. There will be lots of demos on using penny a's and racks for bike commuting, bicycles, different commuting bicycles to look at, lots of bicycle maps for our bicycling program so please come out during your lunch hour and see what that's about. We work very hard every day to implement the city's bike plan and I'm confident that thousands of austinites can use a bike for transportation now and into the future, and it's going to help to implement the Mayor's climate protection plan, which both programs complement each other in a great way, and we'd like to give a small gift to Mayor wynn for all his support of bicycling and the climate protection plan and hope that he's safe when he rides his bike by having a light on his bike. thank you very much.

You're welcome. Come out to the plaza tomorrow.

[Applause] thank you all so much. Keep up the good work. so my final proclamation before I turn the podium over to Council Member leffingwell is regarding a community development month. Sometimes we refer to this as cdbg month, because we have been spending the last decade or more trying to continue to advocate for the survival of the program. So if I can politic quickly, we had a presentation earlier about the stimulus package, and there's been, understandably, you know, appropriate debate nationally about the efficacy of the stimulus package and how it's working and whether it's appropriate to send local community dollars, and we've heard, frankly, some conservative members of congress not agreeing with that concept. Interestingly enough, the whole concept of cdbg, community development block grants, was proposed and originated by president richard nixon as a fundamental component of what was in the republican platform, that is, government closest to the people can govern best. And so as opposed to what had been the prior histories of federal assistance to cities was that, you know, the city had to do precisely what the federal government said and had to precisely follow today regulations. Well, richard nixon, actually, came into office and said, you know, we actually think that you should give block grants to city and let them choose how best to spend that money, let them figure out whether the real challenge this they have is housing or it's crime prevention or it's transportation or it's all of those combined likely. I mean, it's a fundamental sort of philosophical tenet, really, of what had been, i thought, sound conservative philosophy, if you will, and it's sort of disappointing, frankly, to see now because of the stimulus package, us having the ability now to talk again about what we can do with local formulated dollars than how we can go spend them to have this sort of, you know, political statement be made about sort of ineffective nature of that kind of governance. And I just think it's silly. So -- so we're here to -- we're here to celebrate cdbg, in fact, and, in fact, april -- we're ending april as community development month, so I'm going to say read the proclamation and then let margaret shaw say a few words, probably. So the proclamation reads the community development block grant or cdbg program was enacted in 1974 to provide grants to eligible communities across the country to provide decent, safe and sanitary housing, a suitable living environment and expanding economic opportunity

for persons of low and moderate incomes. And whereas the city of austin has received more than \$200 million in federal grant dollars over the last 34 years for programs ranging from child care, fair housing services and business development all the way to transitional housing and women and children's shelters, and whereas cdbg has also helped to create and retain job opportunities and assist in the redevelopment and revitalization of east austin neighborhoods. So therefore i, will wynn, Mayor of the city of austin, do hereby proclaim april 2009 as community development month in austin, celebrating the fundamental nature of these programs and margaret shaw to come tell us a few words about why we continue to advocate for it and what we are doing here locally with our federal dollars. Margaret, thank you.

Thank you, mr. Mayor. Yes, as you said, we've received tens of millions of dollars over the last 30 years with the community development grant program department of house thanking and urban goa. Development these are the prifg force behind our development. Home ownership opportunities, even things that you drive by every day like the homeless shelter on 7th street. We're joined in Council chambers tonight with many of our partners and city staff who make these projects happen day in and day out, and I just wanted to pause for a moment to thank all of you for everything you do and those watching at home. I also want to turn it over shortly to a video that my staff and the crew of channel 6 have put together that tell the real story behind these hundreds of millions of dollars of cdbg money, and please join us afterwards in the lobby. We have cake and punch to celebrate cdbg week, but before we roll the video, i want to say that this proclamation actually really goes to the city Council, and especially Mayor will wynn, for their leadership locally on this program, and as you could hear him so eloquently say, the support that you've given at the conference of Mayors for this program, it is a critical program across the country for making local initiatives happen, and it wasn't without your leadership and the leadership of the conference of Mayors that we did, in fact, not get cut for the funds this year. So we want to thank you for everything you've done for that and appreciate your help.

Mayor wynn: thank you.

Thank you. [playing video] The many faces of cdbg are unmistakable in the eyes of our elderly residents or people living with disabilities. Whether it's a matter of improved ramps to allow wheelchair access to a person's home, widening a doorway, adding a handrail to a stairway or building a walk or roll-in shower, individuals with disabilities are often impacted by potential barriers to accessibility, safety and usability of their home environments.

I heard about it through a nurse that came to take care of my husband about a year ago, and she told me about -- her husband was in a wheelchair -- wheelchair-bound, and he was getting the program -- he was getting the bathtub done, a walk-in shower, so she told me to get him one, and they came about three months after that.

As people age or find difficulty or remain immobile, completing simple tarvetion may be harder than it used to be. The need for help becomes painfully clear. Unknowingly families might be resistant to reach out for help, because it could present threats to caregivers and their needs.

That's what I told his caregiver that came. I didn't have the money because it was quite costly, so we would have been just stuck with the bathtub, as it was, and it was very tall, and as you see, i couldn't get him in and out of the bathtub. It enabled he as well. I -- me as well. I use it as well as the walk-in shower, it's good for me too, but he's more handicapped than I can, so i can get in and out easier. The cost would have been too expensive. I could I couldn't have afforded it.

Cdbg dollars help the city of austin's architectural removal barrier program to remove the physical barriers that affect the independent of homeowners and renters. Through cdgb support, daily activities, such as getting in and out of a bathtub or walking up a flight of stairs, can become a task that is once again completed with ease and independence.

I would recommend it to other people. I have talked to other people about it. I think some neighbors were going to get maybe our program as well. So they come and see this and they want it as well, and they need it.

The many faces of cdbg are visible daily, as residents embrace the heart of their community. Nearly 20,000 households have been served in the last four years through cdbg funded programs by the city of austin's neighborhood housing and community development office.

[Applause] and now I'd like to turn the podium over to Council Member lee leffingwell.

Leffingwell: First of all, we won the five-star designation by the department of defense. Then subsequent to that won the pro patra award by the texas division of the employers in support of the garden reserve. And then just last september the city of austin won the freedom award from the department of defense, which is the highest award that a non-military entity or person can get. So we're very proud of that. Mayor wynn, and i accompanied him, went to washington and met with the department of defense officials to receive that award, and the eagle is upstairs in the Mayor's display case right now. So an enhancement of that or part of this program is that the employers in support of the garden reserve recognizes employers in specific cases where exemplary service has been shown and of course the service is demonstrated by the employee who is affected. And in this case the nominee is right here behind us, petty officer first class ericstein. [Applause] Thank you.

Leffingwell: I'm going to read a little bit of the sigh tase and then we'll make the awards to our city employees. The department of defense's national committee for employers support of the garden reserves recognizes the entire office of the city clerk, represented by shirley gentry brown, and in particular recognizes jeanette good all for their unwavering support of eric stein for the military reserves from may of 2008 to march of 2009. Janieette goodall enthus support eric before, during and after his military mobilization and she arranged a farewell party before he left and consistently communicated with eric and his family while he was deployed. Throughout remote locations in afghanistan, eric and his fellow sailors received several care packages from jeanette to include her famous homemade sue keen any bread. Jeanette's continual support and contact gave eric reassurance that the city and his colleagues were anxiously awaiting his return. Shirley and other employees also collected items and mailed them to eric and his fellow sailors and they sent him e-mail, care packages that provided

additional support for his family. Thank you for going above and beyond in supporting eric, his family, and his military service. This deserving recognition brings great credit upon each of you, the office of the city clerk and the city of austin. Thank you very much.

[Applause] the first award goes to our city clerk, our leader, shirley gentry brown. Shirley?

[Applause] did you want to say a word?

I would. This is really wonderful and it was a nice surprise when alan contacted us. It was very emotional for the office of city clerk to say good-bye to eric when he went to afghanistan. We're just a little office and so we're very much like a family and it was sort of for me like saying good-bye to a son. But it was really wonderful to welcome him home. So I feel like anything that the clerk's office did seems to pale in comparison to his contribution to our country. So this is really nice to be recognized, but more importantly we just need to thank eric for what he did for us.

Leffingwell: Thank you, shirley, and the particular award goes to jeanette goodall. Jeanette?

[Applause] thank you very much once again to the employers in support of the garden reserve, and I also want to recognize we have our own veterans' consultant who takes care of these matters and organized this event tonight. Alan, the former united states marine, thank you very much. And once again, thanks to shirley, jeanette and the entire office of the city clerk. Thank you.

[Applause] okay, eric, tell us what you're doing over there?

[Laughter] I'd just like to say thank you to the entire office. I really appreciated them keeping me informed of what was happening and all the support they gave to my family, who really had to sacrifice a lot also while i was gone. And just the overall support I received from the city clerk's office and the city was fantastic. Thank you very much. [Applause]

Mayor Wynn: We are now back in open session. Technically, although the Council never formally recessed, they also did not go into executive session as announced that they might. One item left on our closed session agenda remains the performance evaluation of the city manager. We will take that up as soon as we finish our public hearings this evening. We do have a handful of public hearings to now conduct. The first of which, item 60, is regarding -- is a resolution regarding a resolution for the use of some parkland. junie plumber.

Item number 60 is a change in use in dedicated parkland. As part of this project this is being requested by austin water utility for the downtown wastewater tunnel. The legal fact finding for item number 60 is that there is no other feasible and prudent alternatives to the taking of the dedicated parkland, which includes all planning to minimize harm to the park. I will say as part of the mitigation for this package there will be two new ball fields, a lighted volleyball 3 million paid to the park and recreation department.

Thank you, Ms. plumber. Questions for staff, Council? We do have one citizen signed up not wishing to

Speak in favor. Ms. Mary Arnold. We will note that for the record. Thank you, Mary. Any other citizens that would like to give testimony in this public hearing regarding this temporary use, use of parkland.

Change in use.

Mayor Wynn: I knew it was something like that. Hearing none, I'll entertain a motion on this public hearing item 60.

Leffingwell: Mayor, I'll move to close the public hearing and approve the resolution.

Mayor Wynn: Motion by Council Member Leffingwell to close the public hearing and approve the resolution. Seconded by the Mayor pro tem. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero.

Thank you.

Mayor Wynn: Thank you. That takes us to item 61 regarding extension of floodplain variances granted for a project at # 35 West Second -- West Sixth Street. Mayor, Council Members, my name is Kevin Shunk from the Watershed Development and Review Department, supervising engineer in the floodplain office. The item before you today is a floodplain variance expiration extension request 35 West Sixth Street, which is in the Shoal Creek Watershed. The applicant's request is to extend the expiration date of the approved floodplain variance ordinance by two years and three months. Their request is to bring this expiration date in line with the project duration expiration for the site plan. They've indicated that they're -- due to economic conditions, they will not be able to get the building permits approved by July 2009, which is the current expiration date for the floodplain ordinance. Here's a picture of the property. The property line there is highlighted in red. It's bordered by Sixth Street on the north, Fifth Street on the south, Bowie Street on the west and Shoal Creek on the east. This property is currently a parking lot, and there's a lot of development going on in this area, and there is often confusion even at the staff level on addresses and what property is which. 35 West Sixth Street. It's also known as the Marketplace East Block Development. You can see the 25 and 100 year floodplains on this slide. 25-Year floodplain nearly encompasses the entire lot while the 100 year floodplain does encompass the entire lot. The approved site plan gives the applicant a development permit to build a mixed-use development with land uses of administrative office and general retail. In black on this slide here you can see what the ground level at grade structure footprint would look like. There will be an underground parking garage going several levels, basement level parking garage. In addition, the building will have several stories to it, but the ground level footprint is significant because there will be some floodplain area that flows and where you can see some of the yellow hatching on this slide. And so the top levels of the building will cantilever over the floodplain area. Other pieces of the site plan that were included as part of the approved floodplain variance are an aerial crossing over Bowie Street, and that was included for the first responder and the safe access out of the floodplain. The applicant is proposing modifications to the Shoal Creek channel doing some bank stabilization measures there. In addition, there are some minor modifications to the Sixth Street bridge and the channel modifications and the bridge modifications were required to mitigate some of the increases of the water surface elevation that the site plan was showing,

and these improvements then get mitigated that situation and there is no adverse flooding being caused by the development. I just wanted to run down a quick site plan timeline. The site plan itself was submitted October 2006 and the permit issued in 2007. That site plan permit expires December 2010 with the project duration expiration extending until October 2011. It's in the desired development zone with a five-year project duration date to the project expiration date. During the site plan review process, the floodplain was heard by city Council and approved in June of 2007. That ordinance expires in July of 2009, and again, the applicant is requesting to extend that expiration date to October 2011, which is coincident with the project duration date. Just to summarize -- just to summarize staff's opinion on this matter is that there is a previously approved ordinance, city Council did approve the ordinance and there was a staff recommendation of approval at that time. This project has a similar level flood protection that it did at the time of permit. I want to go into a little bit of discussion on that. Since the time of that permit, staff has -- and we do periodically review our floodplain models in order to do some floodplain planning to decide which creeks we may be restudying with future fiscal years. We were in the process of doing that with Shoal Creek when the applicant made the request for the expiration date extension. The model that we were looking at, which is only a preliminary model, so it was certainly just for planning purposes, but the model indicated higher water surface elevation than when the site plan was permitted. Because of that we requested the applicant raise the finished floor elevations of the buildings so that they have the same level of protection as they did when the site plan was originally approved, when the floodplain variance was originally approved, and they agreed to that. So the finished floor elevations of the buildings were increased by about 10 inches due to that. And again, the staff recommends approval of this item. If you have any questions, I will be happy to answer them.

Mayor Wynn: Thank you, Kevin. Questions of staff, Council? Comments? We do have a few folks that are -- one person that wants to give us testimony. A handful of folks signed up -- we have two people signed up not wishing to speak in opposition. Six folks signed up not wishing to speak in favor. And it looks like Joe Longara has signed up wishing to give us testimony. Welcome. You will have three minutes.

Good evening. My name is Joe Longoro with Longoro and Clark Engineers. Kevin did a good job in pleading our case here. We've been working on this thing for several years. It took a year to get -- over a year to get the permit, but we actually worked much prior to that for a year or so, and we've gone through an extensive amount of analysis on that -- on the floodplain modifications needed, and we went through staff, a rigorous process, and like Kevin said, we're trying to get the project nailed with the project duration date, and at this -- the amount of effort that we have put in on this thing has really been an extreme amount and we just want to preserve the site plan for another I guess year and a half, two years, to continue on with possible construction that could occur hopefully by the end of 2011. Specifically, though, we had some -- we're doing channel improvements to Shoal Creek between Sixth and Fifth and the channel improvements are just moving -- slight modifications of the channel on our side, creating a nice sidewalk for the park, and doing some slight improvements to the Sixth Street bridge, which include just replacing an old guardrail and making them a new standard guardrail and some undercoating on it to make the water go a little faster underneath the bridge. But no -- nothing on the outside of the bridge is being touched. It will look the same from the surface as it does today. We're aware of the issues down here in downtown and projects down in that area. And these kind of variances are -- you know, have been granted previously and so was ours. And as the other projects had

requested some extensions also, we're just requesting a one-time extension here, which just brings the project up to its duration. Thank you.

Mayor Wynn: Thank you. Questions of the engineer, Council? Thank you, joe. And also dave

(indiscernible) is here to answer questions if we have any. Questions, comments? I will just say I forgot to ask legal or anybody else, i happen to live right across the creek on the next block of fifth street. My building apparently was also given a floodplain variance years ago, whoever built it. So I don't know whether i was needing to not vote on this or not. I don't think it has an impact on me personally.

Am I coming out of here? I believe that's okay.

Mayor Wynn: Okay to vote? To vote, I believe.

Mayor Wynn: I want to just confirm. My colleague mitzi cOttom is here. Mitzi cOttom, assistant city attorney. I assume that all you are is a neighbor and you have no substantial interest in that property. So I don't think that you need to recuse yourself.

Mayor Wynn: Okay. Further questions of staff, Council? Comments? Motion by the Mayor pro tem, seconded by Council Member Cole to close the public hearing and approve the ordinance on all three readings. Extending the expiration date. Further comments? Hearing none, all those in favor please say aye. Opposed? Just out of caution, I will show myself as not voting, miss spence, since the vote was six-zero. Please show me as not voting. I apologize for not asking that earlier. Let's see. So Council, that takes us to public hearing -- sort of combined public hearings, i guess, is the way they're posted, 62 and 63, regarding both floodplain and site plan issues for a property at 328 heartwood. I would appreciate a brief staff presentation. Mr. george zapalac.

Good evening, Mayor and Council, I'm george zapalac with the watershed protection and development review department. Item 62 is a public hearing in consideration of an appeal by ruben rodriguez of the planning commission's decision to deny an appeal of an administrative descroofl of a site plan located at 328 heartwood for fill over four feet and construction of a retaining wall within the critical water quality zone and the water quality transition zone of williamson creek. Mayor, before I go into my presentation, I don't believe the appellant is present this evening, so you may want to address procedural issues before we get into the substance.

Mayor Wynn: I guess we should. The code sets out process for handling an appeal and it indicates that prior to staff presentation, any issues regarding timing or postponing or postponement should be addressed first. Additionally since the appellant carries the burp in appealing a staff decision, that burden cannot be carried without the appellant or the appellant's representatives being present. So I would suggest that the issue of timing be addressed before the matter proceeds.

Mayor Wynn: Thank you. Council Member martinez.

Martinez: Thank you, Mayor. We have heard the issues around this case through presentations and in executive session. What I had planned on doing tonight was asking for a postponement of this item to, I guess, June 11th would give us enough time. And direct staff to help draft moving forward a floodplain variance and a site specific regulation ordinance that would create a balance of the issues that we discussed having to do with the impact on the neighbors, having to do with flood mitigation issues. It's a very difficult case and I think my position is that there's culpability on both sides. I think we bear a little bit of responsibilities on a city to try to help address some of the issues that we're facing, but Rodriguez also needs to accept his part in what took place. So what I wanted to do was ask for a delay and ask staff to help us craft the two -- the variance and the site specific regulation ordinance moving forward and try to get it back by June THE 11th.

Mayor Wynn: So motion by Council Member Martinez to postpone these two public hearings, 62 and 63, to THURSDAY, JUNE 11th, 2009.

Cole: Second.

Mayor Wynn: Seconded by Council Member Cole. Further comments on the motion to postpone? Council Member Leffingwell.

Leffingwell: I'm going to support this for a couple of reasons. First of all, the impact on the floodplain was thoroughly analyzed by insuring companies and by the environmental board and found to be minimal. I believe less than one inch effect on the floodplain, one inch in height. In addition to that, the impact of -- I'm supporting the site plan revision also. The impact on Williamson Creek and its environment -- environs would be equivalent to authorizing another big project in the critical water quality zone of Williamson Creek. So with that in mind, with the fact that there would potentially be additional damage to the creek, I'm going to support this motion.

Mayor Wynn: A motion and a second on the table POSTPONING TO JUNE 11th. Further comments? Council Member Morrison.

Morrison: I have real concerns about this whole situation and I want to say that I think that while there might be culpability on the city's part, I have hesitancy about that because I think anybody that's building such a significant wall probably has some pretty reasonable engineering support and wouldn't depend on an eyeball look at -- by a city inspector. I also think that this is potentially a huge imposition on the neighbors that live next door now to what is effectively a 14-foot wall instead of what would have really been allowed. So I'm real concerned about that. So I'll support this motion with some trepidation, but also to say that unless some kind of solution can be found that the folks that live nearby and are impacted visually by it or any other way, I wouldn't be able to support the site specific ordinance that does come forward. And also I have concerns about having to take care of situations like this with site specific ordinances. So I'll just say I can support this now, but we'll have to take a look at what comes forward and what the situation is then.

Mayor Wynn: Again, we have a motion and a second on the table, simply postponing. Then we do

anticipate some type of item coming forward as we ultimately conduct the public hearing. Further comments on our motion to postpone? Hearing none, all those in favor please say aye. Opposed? Motion to postpone item 62 and 63 passed on a vote of 7-0. Thank you all. Council, that takes us to our final public hearing of the evening. And again, if you're still tracking this, after we conduct our public hearing and whether we take action or not on this item, we still will then go into closed session later this evening to finalize the performance review of our city manager. Once everybody is really tired and in a grumpy mood.

[Laughter] so item number 64 then is our public hearing regarding what's known as the waterfront overlay. I guess we'll first have -- we have approximately 80 or 90 minutes worth of citizen testimony, but we'll first have a staff presentation. Welcome.

Good evening, Mayor and Council. My name is Robert Hyle with the neighborhood planning and zoning department. I'm going to walk you through a quick overview of the waterfront overlay and work that the taskforce has done over several months. And the draft ordinance that is before you this evening. The waterfront overlay runs from Tom Miller Dam past Longhorn Dam to the Montopolis Bridge. It is divided into several different subdistricts which reflect the different character of the waterfront as you move along it. The purpose of the waterfront overlay is to provide a harmonious transition between the neighborhoods and the urban uses and the open space and parkland that are along the waterfront. And the overlay regulates permitted uses, site development standards, landscaping, a number of other issues. Here's a map of the waterfront overlay with the different districts. And also just for your reference, the names of the different districts. As I said, they range in character from very low density to downtown and also city hall. Council put together a waterfront overlay taskforce to look at some of the issues of the waterfront overlay. There were 15 members, the chair was Mandy Dealy of the planning commission. Several of the taskforce members are here this morning and will be speaking later. They met from April to December of 2008 and they delivered their final report to Council in December of last year. And there's a list of the members. They represented a wide range of viewpoints, neighborhoods and the different boards and commissions which interact with the overlay and waterfront. The taskforce after research, discussion and many months of meeting, came up with five top recommendations. The first recommendation -- they had many more recommendations, but these were the top five they brought forward to Council. The 1986 waterfront overlay came out of a town lake corridor study that was done in '85 and that provided a very thorough and comprehensive look at the town lake corridor. Their second recommendation of their top five was that there should be a waterfront planning advisory board similar to the downtown commission or the environmental board, but it would be focused on waterfront issues and would provide focused attention, it would be an advisory board again like some of the other boards and commissions that we have. The taskforce recommended subdistrict maximum heights. Again, the waterfront is divided into many different subdistricts and there are potential maximum heights that the taskforce recommended. We'll be talking more about that later. And the taskforce recommended that in those instances where the waterfront allows a maximum height that is greater than your base district zoning that there be a methodology for property owners to build higher than what their base district zoning would normally allow in exchange for a clear public benefit. However, there needs to be a methodology to discuss what that trade-off should be and the taskforce recommended that that methodology be developed and be clear so it can be applied. And finally, the

taskforce recommended that the waterfront overlay, especially since these ordinance ons are crafted to address the specific needs and character of the waterfront, that they should supersede other city design and land use regulations where they're in conflict. The draft ordinance which we brought through the boards and commissions and have presented to you this evening include four of those five recommendations. That was your direction in february. It includes all of the recommendations except the system to award bonus height provision. That system will be established later after the waterfront planning advisory board is established. So going through those five recommendations, the town lake corridor study goals, they were numerous and very progressive for 1985 and addressed things like environmental protection, preserving and improving the parkland, and also addressing complimentary development, wanting to make sure that the development that took place near the waterfront was supportive of the open space and park uses. The second goal was the of a planning advisory board. That would be a seven-member advisory board as is the standard now for citizen advisory boards appointed by Council. The members would be drawn from many fields including architecture, neighborhood conservation. This board would provide recommendations to city Council and other boards and commissions on issues affecting the waterfront. So what would this waterfront planning advisory board do? Again, they would provide recommendations on any project or policy that affected the waterfront, including site plans, rezoning applications, amendments to the land development code, changes in the comprehensive plan, including neighborhood plan amendments, and they would also review administrative site plans. They also would have the authority to recommend denial or approval of variances to the waterfront overlay. So the third recommendation of the taskforce was height provisions by the subdistricts. And this has been an issue that's been talked about by a lot of different stakeholders and has generated a great deal of interest. I will spend a lot more time on this. The taskforce recommended adoption of the 1986 height provision and that those be clearly stated as maximum allowed heights. Now, if these subdistrict heights are higher than the base district zoning would generally allow, then there would be bonus provisions that would allow you to exceed the height of your base district. If these subdistrict heights were lower than the base districts, then your base district zoning heights would be restricted. And the height provisions, the taskforce recommended should apply to all dwoiment, including planned unit development, p.u.d. So the 1986 height provisions. The waterfront overlay was originally adopted in 1986 and it had height provisions in there. The different subdistricts had different height possibilities which would allow, as I said, for greater height in base district zoning in exchange for a clear public benefit. However, in the 1986 ordinance, there was not a mechanism to award those height bonuses, so the height bonuses were stated. It could go just as an example from maybe 60 feet with gs zoning up to 96 feet, but there was not a mechanism in 1986 to award that. Consequently in 1999 when there was a plain language rewrite of the code, because there was no mechanism to achieve those height bonuses, those bonuses were removed. And the 1986 subdistrict bonus heights did not limit base district zoning heights. They provided a mechanism to exceed them in certain cases, but they did not limit the base district zoning heights. The subdistrict heights match boat nus heights in 1986. The height provisions will limit some heights currently allowed. And through bonus provisions, which will be developed later, the height provisions will -- could increase some height currently allowed as well. Those bonus provisions are not included in this ordinance. Council directed us to have that be one of the first tasks of the waterfront planning advisory board. And when the bonus provisions are developed, it's the intent that they be able to be granted without

requiring a zoning change. So that again to use an example of cs, you could build in excess of 60 feet without having to go through a zoning change provided that you met the criteria spelled out in the bonus provisions for providing a clear public benefit. The subdistrict maximum heights are listed here. They range from a low of 35 feet in balcones rock cliff to in some districts there's no maximum height. For example, the district on either side of city hall, mostly downtown area, north shore central and there's no maximum specified in the subdistrict. The subdistrict maximum heights are different again because of the character of those different subdistricts vary greatly around the waterfront. So what would the subdistrict maximum height do? The big picture, the waterfront overlay is about 1833 acres. Those areas where the subdistrict heights are greater than the base zoning is about 423 acres. These areas again are where the subdistrict height is greater than what's law loued by subdistrict zoning. These are the areas where the bonus provision could in theory be used, and it does -- there's a couple of it's based on current zoning. Current zoning could of course change overtime and does. And it also includes state-owned land, the u.t. Brackenridge site, which is 164 acres, which the state has its own approach to city zoning and negotiations with the city about development. Conversely, there are about 34 acres where the base zoning is greater than subdistrict heights described in this ordinance. So these areas would not be allowed to build to the full height of their base zoning. About 17 acres of those are zoned I, lake commercial. Not all of those properties would be able to build to the full height of their base zoning in any event. Some of them are -- would be restricted by compatibility standards. That would probably be the chief thing that would restrict them. But these are like I say, 34 acres, 17 of which are loaned I, where the subdistrict height is lower than what's allowed by the subdistrict zoning. There are a couple of caveat in there that the 17 acres that are not I, they include the long center, which is zoned cs 1 and could in theory build to 60 feet. But that's not really going to happen. It's not going to have to be -- there are changes proposed to the long center. It also includes the star riverside constellation project at riverside and i-35, which is already under construction and so it wouldn't be impact bid this as well. The bulk of the overlay, 1300 plus of the 1800 acres, would not be affected by the subdistrict maximum height. That's for a variety of reasons. Either they're in a subdistrict that doesn't have a subdistrict maximum height or because the subdistrict maximum height equal what's already allowed by base district zoning so it's a wash or the base district zoning is p because there's a great deal of parkland along the waterfront or it's already received planned unit development zoning. The fourth recommendation of the taskforce was for bonus provisions to be developed that would allow heights greater than base zoning in exchange for a clear public benefit. Those bonus provisions would not allow heights greater than the subdistrict maximum. And the ordinance that's presented before you does not include those bonus provisions. They again would be developed by the waterfront planning advisory board or some other group later down the road. The fifth of the recommendations from the taskforce, which was forwarded to Council, was the con 96 with other parts of the city code. Generally if there are parts of the city code that conflict you go with the more restrictive. However, there were a couple of instances in our design, commercial design standards where they called out the waterfront overlay and said these design regulations supersede the waterfront overlay. The ordinance basically removes those provisions that says we supersede the waterfront overlay and a couple other comments on conflicting with other parts of city code. This has received a lot of comment as well. The waterfront overlay as its drafted would apply to planned unit development agreements, however, it 's, planned unit development. ' much more of an issue, but if Council has questions we can balk it the why's of that. But pda's would

be covered by the waterfront overlay as 's would not. And finally just because it's come up in conversation and in the public testimonies, a property owner always has the right to go before the board of adjustments and explain the hardships that they have on their particular piece of property and the board of adjustment can grant waivers or variances to city regulations and that would include the waterfront overlay. So if there were provisions of the waterfront overlay for some reason imposed a particular hardship on a piece of property, that property owner has a venue to seek remedy. The schedule of review and adoption, we have -- we took the ordinance before the waterfront overlay taskforce. It's been working its way through several different boards and commissions. And on tuesday it went before the parks board and the planning commission, and we are here this evening at city Council. And we wanted to briefly talk about the materials because we did give you a lot of backup material. Some of that was because we were just at planning commission and parks board a couple of nights ago and so we've been hustling to get you updates, accurate information as quickly as we can. The draft ordinance that was in your original backup is the ordinance that was presented to the different boards and commissions and that's the one that's been available for comic blik comment. Also today you received an updated ordinance review sheet, which includes all the comments and action by staff and by the different boards and commissions. There is a markup version of the ordinance which we hope will be a useful tool for Council. It is the ordinance, and everything in the original ordinance is in black. And if there is suggested different language by staff or by a board or commission, that's provided in red so that you have it right there in the ordinance and can discuss that. There are also some additional information just looking at the different acreages and the different kinds of scenarios in the waterfront and some maps to help illustrate some of the key areas. And finally a hard copy of this presentation. So that's a lot of information, but that concludes my presentation on the waterfront and the taskforce and the ordinance that is before you. I'm available for questions. And there are several members of the taskforce that are also here this evening and a number of members of the -- number of citizens wholess want to speak. Thank you very much.

Mayor Wynn: Thank you. Questions for staff, Council? Council Member Morrison.

Morrison: I have one question. 's and pda's has been on the table and this is really the first time I've heard that pda's are covered by the ordinance. So does that mean that if there's an li pda in the waterfront overlay with a maximum height, we cannot approve anything over that maximum height in the pda?

The way pda's work, they work a little different than 's, so I would say the short answer is that unless you also alter the waterfront overlay, the answer is yes.

Morrison: Yes what? The waterfront overlay provides -- as it's written provides a cap on base district zoning. Even if that base district zoning has been modified by a pda.

Morrison: I got you. So in fact pda's don't allow us to modify overlays that a piece of property might be -- overlay restrictions that a piece of property might be in.

If the overlay worked the same way as the waterfront overlay does with base district zoning. So in this

case the ordinance specifically says that the allowable heights is the lower of that provided by the waterfront overlay or the base district zoning. So assuming that the other overlay -- there are lots of different kinds of overlay. For the waterfront overlay, yes, a pda, because it modifies the base district zoning, you still have that waterfront cap that would come in. Planned unit developments, though, change -- they run outside and are a different track because they have a different set of standards.

Morrison: Great. I understand now. Thank you.

Mayor Wynn: Further questions of staff? Before we hear from our citizens? So then with that, let's see, we will just start going through our -- this is just a public hearing, so we're not really taking these -- folks didn't really sign up for or against, but it might be that we mandy dealy first as the chair, and then we have a number of folks who want to give us testimony. Welcome Ms. dealy.

Thank you. My name is mandy dealy and I'm a member of the downtown commission and the planning commission, and had the honor of serving as the chair of this waterfront overlay taskforce.

Mayor Wynn: Actually, can you hang on. Some folks wanted to donate time to you. So to make sure you get your full allocation.

The taskforce strongly urges you to include 's in the ordinance and have our recommendations override that. And we also hope that you will take the other suggestions and recommendations from the environmental board, the design commission, the downtown commission and the parks board as well as the planning commission into consideration and include those recommendations. The taskforce didn't have the opportunity to see the recommendations from staff that are included in your marked up version. So the planning commission did not endorse any of those recommendations, and because some of them conflict with the taskforce's recommendations, I would ask you not to adopt those either. I believe, in fact, that there are copies of the -- of the marked up version that just include the taskforce and planning commission and other commission's comments without the staff recommendations. And that might be an easier way for you all to distinguish between the two. One of the reasons we really think it's important that -- 's be superceded by the ordinance that we are proposing is that it really offers even greater protections for the waterfront. There's just no way to express how important it is to make sure that we don't make mistakes along the waterfront? We've already made a few that we can't do anything about. So I think that it really is going to be critical for you all to look at these recommendations and understand that they grow out of the town lake corridor study and the comprehensive plan for lady bird lake that were based on sound design principles and development principles that are still considered to be very important today. I'd like to thank the members of the taskforce. A lot of them are here. And unless you all have any questions of me, I think that I will move on so other people can speak.

Mayor Wynn: Great. Thank you. Council Member shade.

Shade: About the advisory board and that recommendation, and how much time or did you guys research in the past when we've had the board and then it been abolished, it's kind of run its course.

What's the history behind that? Because I looked up, you know, the number of times that we've had a waterfront waterfront overlay advisory board and what they were responsible for doing, and it's very similar to what we're now going to be asking a board to do. So I just want to find out the history of that.

One of the main differences and one of the complaints that we've heard about the '86 ordinance and '89 ordinance was that they just didn't work. But part of the reason they didn't work, I think, was that there was never the formula developed for awarding bonuses and I think that is an absolutely key responsibility of the new taskforce. That should be the very first thing they do. And in fact, one of the planning commission strong recommendations was that we asked you all to approve the ordinance, appoint the new taskforce within two months and then give them six months to come up with the bonus provisions and the methods by which to award those. So there's a lot of interest in development along the lake, but I think this will give people the information they need about how to proceed. The fact that the former taskforce didn't ever do that is I think one of the main reasons that the previous ordinances did not offer the protections that they proposed.

Shade: They were supposed to do that. I guess that's what I'm asking is what happened?

I don't know what happened.

Shad I WANT TO LOOK Into that so that we won't run into the same thing again. They were supposed to have development standards and then they were supposed to have -- I'm looking at the -- what is established in 1985 and it was very similar to what we're asking for. And I just am curious as to what happened. And I think staff maybe should find that out and look at the deliberations that occur because I know that wasn't really in the scope of work, but when I read this specifically, they were supposed to establish what the standards were set forth and they were supposed to come back with that. And they didn't and I don't understand why.

I don't know why, but that was one reason we were strongly urging you to set a time line.

Shade: I liked that. I saw planning commission do that as well.

And have the commissioners appointed and give them specific direction and a set amount of time to come up with those provisions. I think that will assure that things don't fall through the cracks again.

Mayor Wynn: Our next person signed up is jeff jack. Welcome, mr. jack. Folks want to donate time to you.

We have an order that we're going to try to go.

Mayor Wynn: You better give that to me in writing right now or you're not going to. Could I have it in writing, please? That I can read, call the names, track the minutes and follow the law. If you didn't want to speak, you shouldn't have signed up first unless you bring me in writing the sequence that you want to proceed. The next person's name is either hal or lou and I can't read the last name. It looks irish. I

appreciate that. Hang on while I confirm minutes donated to that person. Following the ordinance and lou o'hanlon, welcome. You will have three minutes to be followed by danette clemente.

Good evening, Mayor and Council. I'm here representing the austin neighborhoods Council. I'm lou o'hanlon. I'm on the executive committee and I'm the northeast sector rep. We would just like to urge you to approve the taskforce -- the waterfront overlay taskforce recommendations. The austin neighborhoods Council in january of this year unanimously approved those recommendations and we would support any ordinance that includes those recommendations that includes the p.u.d.'s. Thank you for your time.

Mayor Wynn: Thank you. Our next speaker, according to this list, is danette clemente. And is claudeette lowe still here. Welcome. So you will have up to six minutes if you need it. Welcome.

Thank you, Mayor and Council Members. My name is danette clemente and I am president of the austin neighborhoods Council, but lou just spoke for the austin neighborhoods Council. I'm here tonight to speak as the parks board member of the waterfront overlay taskforce. I want to urge you to adopt the ordinance that is before you tonight with the inclusion of p.u.d.'s. And the parks board passed a resolution saying that. I want to read for you the third recommendation that was in the five primary recommendations by the waterfront overlay taskforce and that you guys directed move forward because it's a little bit different than what robert put up on the board. It says the subdistrict maximum height should be reinstated to the waterfront overlay ordinance and they should supersede any other provisions of the land development code. So given that, the parks board passed a resolution saying that we were in favor of the ordinance, but also that we suggested the addition of a code amendment 's may not supersede the reinstate the waterfront overlay height limits. This is consistent with the recommendation of the environmental board and also consistent with comments from commissioners of two boards that did not take action, the zoning and platting as well as the downtown commission. The reason for this is that 's will serve only as a loophole. So if you pass this ordinance, but you leave 's out completely, then you really have not gotten the maximum height limits back into the code because anybody who wants to come forward with just do a p.u.d. So I urge you to set a high bar there. In whatever way you see fit, 's just can't be used as a loophole. And I think there are several ways that that can be done. I think that you guys can work that out. Staff has suggested one way, I believe, in the ordinance, but if you don't set that high bar -- greg miller is here to talk about the cws project, but the reason that project was so successful was because a high bar was set. Some Council Members took the leadership and initiative to come out ahead of that and say we're not going to approve height limits above 96 feet. And because of that, then the community was at the table, we were able to negotiate and we were able to get a good win, win, win agreement with that project. So I would urge you again to set that bar really high. I'd be happy to answer any questions about the taskforce. We had nine months -- over nine months actually of deliberations. We did a lot of careful research. We took this task very, very seriously and we urge you to go ahead and pass this ordinance. Thank you very much.

Mayor Wynn: Thank you. Our next speaker is heather bailey. Welcome, heather. Let's see, some folks want to donate time to you. I saw Kathy tovo earlier. Is she still here? Our rules are you need to be present in the chambers in order to donate time. How about bobby rigney. Welcome. So heather, you

have up to six minutes. Welcome.

Thank y'all. My name is heather bailey and I'm a long-term austinite. In fact, I'm third generation. So this is a very important issue to me and my family. The river front is very near and dear to my heart and to my children's and I hope and appreciate the fact that you all are concerned enough to leave a long-term legacy to the folks that follow us. And that is town lake and the parkland and it's very, very critical to maintaining the character of our city. It is what makes austin such a wonderful, beautiful place. There's not a week that goes by that my family, my children were not down there at the lake. But I know that my personal opinion and my legacy is not what you care about. What you care about are numbers. And why is it important to austin? Well, the numbers say it's important to austin. I'm on the board of save org and we had an independent survey company, poll company, do a survey of public opinion. I'd like to read some of the facts that came out of that survey and I think they're very compelling on why it's important that you support this ordinance. First of all, one of the things that was polled said what percentage of the population agreed that town lake is a major part of the character of austin? 92.8%. Obviously the majority of the folks here. Way more than the majority. 79% Of those polled indicated that town lake should be protected from development to maintain its scenic beauty and openness. And I think openness is critical. Height limitations are critical to openness. 7, Basically 73% of those polled wanted height restrictions on heights of new buildings in development in that area. 6, Basically 83% of those polled wanted restrictions on how close new buildings should be to the river. 83% Of those polled disapproved of this -- of grant -- disapproved of the city Council granting any exemptions that would allow buildings to be built higher or closer to the shores of town lake. And 87% of those polled approved the city purchasing land on the shores of town lake to protect public access and preserve the scenic open space along the lakefront. The last item, given the current budget situation, probably isn't real practical, but I think in listening to what the public said is important to them. Bypassing this ordinance that a lot of folks have spent a lot of time on. And it has involved the public and it has involved diverse viewpoints. I think you will accomplish the goals of what you see the public wants, what people really care about in austin. So this is an opportunity for you all to do a really good thing, and I really am very, very thankful that you support the public process, that you allow people to come together and find solutions and continue down this path. It's a great way to do things. One other thing I'd like to mention is I've heard from folks, well, look at these other cities, they don't do thi yada, yada, yada. I travel a lot. You go to cities like portland, oregon and even omaha, nebraska has done this. They have create add vision where they have left openness, height limitations and that waterfront has become a key feature in those cities and it makes a difference. This place is my therapy. And in tough economic times I imagine it a lot of people's therapy. So please once again I urge you to vote for the waterfront overlay. And with the recommendations dealy and clemente also added to that. Thank you very, very much.

Mayor Wynn: Thank you, Ms. bailey. bailey, Council? Thank you, heather. Our next speaker is scOtt hindler. Welcome, scOtt. Is scOtt Johnson in the audience? So scOtt, you will have up to three minutes. Welcome. You will be followed by jeff jack.

Thank you. My name is scOtt hindler, I'm the president of save town lake.org. I want to urge you as mandy dealy and heather bailey before me did to adopt this ordinance and restore the height restrictions that were the result of a great deal of considered thought and study. We brought a lawsuit to

challenge the basis on how the height restrictions were deleted originally. That lawsuit is still pending. We have agreed to abate that lawsuit temporarily delay it with the stipending the outcome of this process, which we think is a much more constructive solution to resolving these issues. But if this process is unsuccessful, then we're going to be back where we started, with a lawsuit that frankly no one really wants and threatens to undermine the land use code. And you will have to start over. But the process that led to the deletion of the height restrictions requires that kind of a challenge. This is really a watershed moment for this city, for this city Council, and it will become a part of the legacy you leave this city from your service. I want to personally thank you for taking the time to serve our city. I don't think it's a very easy job. It's a very difficult challenge, but you have an opportunity here to create a legacy that will be lasting for the citizens of this community. And I urge you to do that. I urge you to get it right. Thank you.

Mayor Wynn: Thank you. Our next speaker is jeff jack. Hang on, jeff. A couple of folks want to donate time to you. Carol lee? How about tony house? Welcome, tony. Jeffrey gibson? Hello. And bobby rigney. Well, I guess you already donated time. Jeff, you have up to 12 minute if you need it.

Thank you, Mayor. Sorry for the earlier confusion. It's always interesting trying to herd cats in austin, texas. I want to talk about a couple of issues. There's been a lot of conversation about I zoning, and its effect on this process and what this ordinance might do. I want to remind the Council that when the I zoning was originally adopted back in the 70's, there was some confusion with regard to what actually got I zoning. The map that was presented to the Council at the time didn't match the meets and bounds for that project. And what happened was that the Council was voting on something that they thought was very small with the meets and bowntds were much larger. We ended up with a lot more I zoning than what the Council thought they were approving. We have a situation where in the '99 rewrite the provisions in the code that were adopted in 86 that superceded all of the base zoning that was in place got taken out as you've heard before. So it made a situation where we had a fix for the problem, but the fix got taken out in '99 by the rewrite. But the problem was in the '99 rewrite we essentially threw the baby out with the bath water because what we did is instead of going back and recognizing the mistake with the original I zoning and the fact we didn't have the bonus provisions met dolg spelled out we simply took the height out. It was a simple fix, but a fix that needed to be done. There are s ambiguities in the code and I think what we have to look to is the code and the particularly the areas of I zoning. Those areas, and I'm sure others will speak to this issue, that it doesn't really make it clear that those areas outside of the setbacks and that don't have the right to use bonuses are really constrained by the 96 feet. But I think again a strict construction of the code would say that you wouldn't allow properties to go up to 96 feet and not expect other properties to meet it. One other thing with the I zoning for the tracts that are further to the east, the crab shack track and the condos track, those tracts are fundamentally constrained by compatibility standards and the likelihood that they could ever use the I zoning is very minimal. There's also a lot of questions about what works. Greg miller will talk about cws in a minute. I want to talk about barton place condos. The condos there on barton springs road in the zilker neighborhood, this Council passed I believe unanimously. We ended up going with mf-3 that allows 90 feet in that subdistrict. We negotiated them to keep the restrictions of the waterfront overlay. They first wanted 200 feet and then 90 feet. But in the what we have is a project that keeps the scale of the restaurants row, which is a community benefit. It keeps some of the pecan trees that could have

been put cut down. It provides public access from our neighborhood across the track all the way to the parkland. And it gives 500,000 to maybe three-quarters of a million dollars for affordable housing.

[One moment, please, for change in captioners]

all of these commissions agree that we need to put back these protections for our lakefront. We wish that the pda's -- I'm glad to hear tonight that the pda's are covered in the ordinance but certainly the issue of the pud's is an outstanding issue because it does create an incentive for people to try to aggregate ten acres or more and do a pud to avoid the height limitations. The last thing I want to do is talk about the question that comes up over and over. Why setbacks? Why heights? Why so far back from the lake and why on barton springs road? I want to convey a personal story. As a young person I grew up in baton rouge, louisiana, and I had never traveled west until I was in high school and my family had an opportunity to get me to go to yellow stone, and as i traveled west out of louisiana through the -- you know, the forest canopy of louisiana into the big thick t I emerged on the west side of texas. As someone who grew up in texas you don't know what it means to emerge in texas where the expanse of our community is so visible. You could see in louisiana the sky between the big trees, but in texas you can see the sky. And we talk about the park being on the waterfront, and we talk about why we shouldn't have tall buildings. It has to do with what we are. We're austin, texas. We're not a river bank in newark, new jersey. We're not a shoreline in chicago or seattle. And we're certainly not an urban park in the middle of manhattan. The feel of texas is essential to the feeling that we have about our community and about our lakefront, and I think what we've done is realized that years ago when the '86 ordinance was passed, that to retain that quality that sets us apart, that gives us the accolade of being called river city, those scenic vistas to the hill country are so much a part of the grandeur of texas, and that if we begin to wall it off, would we be like newark, if we began to get the buildings closer and taller would we be like seattle? And when you look at the situation, the community is very clear that this is a special asset, and I think the poll data from, say, town lake clearly shows that. But is the combination of the lakefront, the parkland around the lake and that great expanse of sky that we have that sets us apart and gives us a sense of vastness that I think we need to keep in this community. We have lots of space to build more buildings. We have lots of opportunity to, you know, accommodate growing population. We don't have to do it right on the edges of our parks and our town lake. Lady bird lake is special. I hope that the city Council approves this ordinance tonight. We move forward and we point the waterfront advisory planning board shortly, and they can get to work doing the hard work of coming up with a bonus -- the bonus provisions addressing some of the issues that you talk about why it didn't happen in the past. I think today more than ever the community wants it to happen, and I think with your leadership it will happen. Thank you. thank you, mr. jacks. Our next speaker is greg will miller. Welcome, greg. You will have three minutes to be followed by mary arnold.

Thank you, Mayor and Council. I had the honor and pleasure to serve on the waterfront overlay task force myself, so I'm testament to the -- it was a very diverse group, and it was a -- an amazing process that we went through, a wide range of thoughts, considerations, i mean, developers were on the task force. I think we worked through a lot in that time, and i believe it was a fantastic outcome for everybody. And I'm in favor of this ordinance, and I was a part of this task force and came to realize, not only after going through that but after spending two years working through our own project, that this is

genuine austin care. This is not antidevelopment. It is about a proper use for this wonderful asset of this community, and we want it to be such for years and years to come. I would also say that you can be profitable at building 96-foot tall buildings. You could be profitable at building 60-foot-tall buildings. We've been developing and we've been in the real estate business for a long time, and you can have successful projects at varying heights and have a great outcome for both the developer and for the community. So I just wanted to conclude by saying after spending many years of working with the neighborhoods and the groups and the waterfront overlay task force, that i learned firsthand of the community values and the desire for 96 feet of height to be a cap in this area, and I would say that, you know, cws chose to honor the wishes of the community, and it would be great, and i would hope that you would do the same. Thank you.

Mayor wynn: thank you. Mary arnold? You too will have three minutes to be followed by elinor McKinney.

Thank you very much. Good evening, Mayor and Council. I -- if I run all through my three minutes, I hope Council Member shade will ask me her question about the waterfront planning advisory board. I'd like to read for you a letter that you received from sandra kirk, one of your planning commissioners, and it's so beautifully written and expresses so well the sentiments that she talked ab at the planning commission on tuesday night, so I think I'd like to read it out loud for you. Dear Mayor and Council, i want to encourage you to approve the five priority recommendations of the waterfront overlay task force that restore important protections from the 1986 ordinance. During your deliberations i especially urge you to deeply consider the ramifications of leaving loopholes in the current ordinance to allow developments to bypass height and setback restrictions for lakeside development projects. I believe that if we as public officials, servants allow other design criteria to supersede the waterfront overlay ordinance that holds projects to specific well-defined requirements, we fail to implement the will and community vision of austin's citizens. Please do not exempt pud's and pda's from the waterfront overlay or set forth a wide provision of variances. The planning commission public hearing on this issue last night was both thoughtful and alarming. As always, our discussion was earnest and thorough, but it was also alarming because many of the commissioners saw our hearing as an opportunity to support the recommendations but also to add provisions that inadvertently bypass those same requirements. You have the ultimate privilege of deciding how or whether austin protects and prefers the subdistricts of lady bird lake. For generations to come, both the north and south shores will be valuable and attractive to an array of developer, landowner and citizen interests. economy stabilizes, planning commissions and city Councils of the future will be repeatedly faced with a startling line of ad hoc projects, many of which will seek variances or exemptions to the waterfront overlay standards so they can follow their own wills and visions. Even though many of these projects would be presented as examples of modern sensitivity and exemplary works of architecture and commerce, at times they will surely represent overly intense developments that exclusively benefit and meet residential and retail users instead of the general public. In my value system individual projects and interests should not supersede the still widely held community vision of a moderately developed accessible lake. And I'll stop there. thank you, Ms. arnold. Council Member shade? I'll ask my question, which is -- i won't even repeat the question. You know the question. So you can answer it.

The waterfront planning advisory board, I didn't serve on that board, but of course I served on the parks board, the planning commission and the environmental board. During the time that the board was in operation from '86 to '91, you will remember that that was a rather serious economic downturn for the city of Austin as well, and I'm thinking that -- well, I know why it was abolished. It was abolished because one of the Council Members in '91 decided on cost cutting and abolished a number of different boards and commissions, which I think some of them should not have been abolished, as this one should not have been abolished. In order to have that board do what it needs to do, perhaps one of the difficulties that needs to be thought about and worked on is the kind of staff support that it needs. I'm assuming that it was the parks department that provided staff support for it before, and the range of issues that it encompasses are broader than just the parks department. There needs to be kind of a coordinated staff effort from watershed protection as well as parks, and perhaps neighborhood planning as well, because that board has such a broad feel. And also, I hate to see any board or commissioners appointed to it because they already have busy jobs. Maybe former boards and commission members could serve on that, but thank you very much. I have another question for you. Just so that people know that, you know, this idea of variance, though, was even contemplated back then, I mean, because the charge of that board when it was created was specifically to receive and consider requests prior to submission to planning commission from public and private developers seeking variances from and exceptions to the zoning land use and design standards set forth. So I mean, I think it's important to recognize that wherever you might have been in this phase, and I realize you've been here through it all, and I appreciate your long-term service, as you know, but that, you know, there is this debate, it's been ongoing, about you know, how to achieve the best that we can for what is, I think, everybody in this room, or at least 90% of the people surveyed, as was said earlier, you know, considered the sole -- one of the -- part of the heart and soul of Austin. I think the bar should be very high as well. I agree with that. It's just a question of how to achieve that bar so you incent the right behavior. And so the next question I'm going to ask you, and that's what I'm grappling with, is what is what's the magic of the '96, where did that come from, why '96 feet? We have zoning categories in the 90s but not 96.

That was part of the possibility of putting in the bonus to allow it to go up that far.

An extra six feet?

The exact 96 feet I'm not sure where that came from, but certainly that was in our understanding of the 1986 ordinance, that was one of the maximums. Could there were some subdistricts that didn't have any maximums at all. It just seems like such a curious number now that I'm looking at it with new eyes. We had zoning categories -- of course we've talked about I which is 200 but the other categories, and Dave Sullivan asked a lot about this at the planning commission meeting, and, you know, there's this -- 96 is a weird number, not 90, which is consistent with our zoning categories. I don't know if anyone on the staff knows that but I'm curious.

I can't answer that.

Thank you, Mary. Elinor McKINNEY, OUR NEXT Speaker. You have three minutes to be followed by

roy waily.

Thank you, Mayor, members of the Council. I'm a design commissioner on the waterfront overlay task force and a landscape architect, and I'm actually -- here tonight as a landscape architect, really, as well as my service. Federal Olmsted was the architect for Central Park, and if you go back in the archives of those minutes, he defended Central Park from encroaching development many, times. He put his reputation on the line. There were times that people did not want to listen to him, and yet the legacy of the park is there today. I believe that you-all are at the same point in time today to take care of the lake, to protect it, and to set a baseline. In terms of what we're talking about, setting a baseline and then looking at what bonus provisions could be allowed, that's what we need to do. We need to start somewhere. We can't just say it's whatever, and then we go from there. No, we need to set a baseline. As many of you know, I went to Portland and worked with the staff and the architects and developers on their design and planning commissions. What they did was they used their bonus provisions on the waterfront to craft a sustainable vision and resulting positive development. So that is what they did. They set baselines and they worked with it. It was amazing to me, in Portland, is that the -- Portland, is that the neighborhood and the development and the community and the architects worked together. I spent my first three hours talking to everyone and after three hours I said I'm seeing something different than I see in Austin. You-all work together. And they said yes, we do. We create a vision together and we work together. To a T. There wasn't one member that didn't say that. I would hope that we could do that in Austin. It hasn't been what we've done in the past, but I would hope that around our lake, on our waterfront, that that would be what we could do together. And I do feel like we need a waterfront planning advisory board. What has happened is that it's gone to the planning commission, and we need people that understand the ordinances. When we went through the ordinances there was a stack this tall of information. We could hardly get through it and understand it ourselves, much less a planning commissioner has many more items to learn. You need a board that can understand all those ordinances, how they interface with each other and how they connect together for the lake, for the vision of the lake. This is why we need a separate board to be able to look at it, understand it, understand all the nuances of anything that's coming before them and then ultimately before you. In terms of you know, what you were saying about the waterfront planning advisory board, Council Member Shade, I really feel like that the staff needs to be directed to develop these bonus revisions with the assistance of the board. Volunteers cannot do this by themselves. It needs to be a staff effort working in conjunction. So that would be part of that. Thank you very much. Thank you, Elinor. Welcome, Roy. You too will have three minutes. Let's see, you'll be followed by, looks like, Richard Gravois. Sorry if I mispronounced that.

Howdy, all. My name is Roy Whaley and I serve as the vice chair of the Austin Sierra Club and I am speaking in that capacity this evening. Jacks did not clarify in his remarks is when he and his family headed west, if that was by car or covered wagon.

[Laughter] otherwise -- otherwise, I found his remarks very clear and to the point and very elucidating. One thing, when we have people come visit us here in Austin, most of us do a couple of things. We always take them to Barton Springs and down to the shores of Lady Bird Lake. And sometimes show them the vistas of the hills out west. We show them the best that we've got. And we have to preserve both of

those, and we can do that by writing strong ordinances and sticking to those ordinances. We need to protect barton springs, and that means protecting the aquifer, and we'll be dealing with the pud on that later on this year, in all likelihood. Sierra club believes in density. We think it's a very good tool for helping control sprawl, and that's the best we can do, is help to control sprawl, but it's a matter of where we put that density. You don't take the tenderloin and throw it in with the stew meat. You protect the best of what you've got, and that will be town lake, or lady bird lake, pardon me. And the aquifer that feeds barton springs. Therefore, part of what's so magical about going downtown and seeing the -- is seeing the space around the lake, and people comment on it all the time, how beautiful it is, and we need to have those setbacks. We need to follow the recommendations of the waterfront task force, waterfront overlay task force, and when it comes to the ordinances and variances, there are lots of places for people to ask for variances. We've got a lot of area throughout the central business district and other places that we can have increased density, and then we can get to work on maybe not rubber stamping every subdivision that comes through town on the outskirts of town also, because that's a long drive for those folks to come beautiful lake. Please, let's put some strong enforcement behind this, and I thank you for your time. I hope I find you all healthy this evening, and i hope you-all stay healthy this evening, especially those of you on the campaign trail. Thank you very much.

Mayor wynn: thank you. Council Member Cole?

I had a quick question, mr. whaley. Let me ask you a quick question. I don't remember if anyone from the sierra club actually sat on the task force.

No, ma'am. well, let me ask you this --

for some odd reason sierra club doesn't get called in on a lot of the task force.

[Laughter] I'm really -- i know that you support density and I understand that the sierra club supports density but doesn't want to support density in the waterfront, but I'm real curious about how the heights were put in without the community benefits and I've always known the sierra club to care a whole lot about the community benefits, especially as they relate to the lakefront, and so that that analysis is being contemplated in a two-step process, and I'm kind of wondering your feelings on that. I'm kind of -- do you have any thoughts?

This -- we're very limited in the park space that we have, and we have to protect that vigorously. Now, we are in favor of density, very much so, and we will ask our friends in the neighborhoods where our membership lives to start making some concessions with compatible density in the neighborhoods, would be our hope on that. So that we can preserve the lakeshore for everybody. so your comment is that some of the bonus provisions could be gOttten through compatibility waivers, I guess?

Yes, yes, that there are other opportunities for that, but that we have to be very strict on what we do here. I mean, just by virtue of the fact that you're down there on the lakeshore, that is a bonus right there to whoever is developing there. I would also very much caution against the pud's being exempt from those height limits because we get into the -- affordability is very important to all of us, and the

sierra club certainly sees that. We don't want people to have to move to the outskirts of town or completely out of austin to be able to afford to live in austin, and if we take the very best, I don't care what kind of height variances we give, it's still going to be boardwalk and park place of austin. It's going to be the most expensive property in town. There's not going to be any affordability there. We will be giving away something that we can never have back, and that happens often enough in this world, much less this town. thank you, mr. whaley. Our next speaker is richard -- Council Member martinez? whaley, I appreciate all your comments. I agree with you. I would never throw in my tenderloin with my stew meat.

[Laughter] but sometimes rafg a --

and you should never throw the baby out with the bath water. They go in separate places.

What we're talking about here is trying to achieve a balance and sometimes wrapping a piece of bacon fillet min I don't know works for some folks. You're saying this is a crown jewel and nobody disagrees with you. It's how we go about doing it and having that conversation and i appreciate Council Member Cole's question to you, because I think that's exactly what we're trying to get to. What can we do as a Council to establish the community relations and values that we want but at the same time achieve goals of density and appropriate growth, and we'll continue to have that conversation.

Well -- thank you, mr. whaley. Thank you, Council Member. A lot more speakers. Thanks, roy. Anybody else have a question for mr. whaley?

No wait till you get there and we ask you back. Our next speaker is richard gra -- sorry if i mispronounced that. Richard wanted to speak. How about elizabeth yavich? Elizabeth yavich? How about gardner summer? All these folks signed up wishing to speak. How about -- we've heard from roy. How about steven tite? Well, cut you off, sorry. Steven title then to be followed by fred schmitt.

Steve tittle, I'm a property owner along the river. Glad to see all of you again. There have been many eloquent speakers this evening and I believe we are trying to strike a balance, and there are a couple points I'd like to bring out. I'm not -- I'm not for or against, but I need to speak to a few items concerning this, and it has to do with notification of the property owners. There's a significant number of property owners that have not been notified, and this does represent a significant change in the zoning. I talked with robert hale. If I get the name incorrectly I apologize, and he mentioned something about the base zoning and the maximum zoning, maximum zoning changing and therefore only notifying the community groups, that sort of thing. Of course I don't know the law well enough to get into that stuff. But anyway, there's approximately 200 property owners that have not been notified of a significant zoning change. Next, I've also learned in the last couple of years when the city Council is speaking to advisory boards and task force, invariably there's not enough representation of property owners. There seems to be every community group assigned to those but there doesn't seem to be a true representation for property owners, and i would ask that the city Council establish a 10 to 20% ratio when you elect a task force or a board. Next I'm going to speak to the merits of the plan. I believe it's incomplete. I believe -- one Council Member talked about what happened in '86. '86 When the bonus provisions and the --

bonus provisions and the clear benefit to the community wasn't established, and that concerns me that it will just keep getting pushed forward and that -- that that won't be addressed. So I would like city Council to do just that. You're tasked with doing that, not putting it to another board for another six-month delay. That pud's, concession bonuses -- concessions and benefits should be established and not put off for another six months, another year. Who knows? And lastly, concerning the territory, you may hear tonight that the waterfront overlay goes all the way to the frost bank, you know, significant distance from the waterfront. I'd also say -- well, I'd say that that's too far, but I'd also say that there's a significant territory that isn't represented that has to do with the water itself, what the city chooses to build on top of the water or in the water or islands within the water are not addressed on the waterfront overlay, you know, task force or this plan. Should the city decide to build a bridge or an amusement park on bird island, this board and regulations wouldn't address that at all. So I ask you consider to changing the territories of this zoning. All right. Thank you. thank you, steve. Welcome -- Council Member martinez?

Mayor, I wanted to ask how to come up and speak a little bit to the issue of noticing property owners, because my understanding is this is not a zoning change but an overlay, and so in other instances such as vmu, we didn't notify property owners or adjacent property owners who were being affected by this because it's simply an overlay. It doesn't change their zoning category.

That is correct. This is an overlay and it is co-change and similar to the university neighborhood overlay, for example, we notified all registered community organizations, be they neighborhood associations, business groups, anyone that's on the community registry, and we followed our other requirements of posting them on-line and in the newspaper, but we did not send individual notifications to property owners nor to renters as we would in a zoning case.

Mayor wynn: thank you. Let's see, fred schmitt, welcome, and let's see, is brandon still here? Brandon schmitt wanted to donate time to you, fred, so you'll have up to three minutes --

he's got election duty. He's manning voting machines.

You'll have three minutes, to be followed by shelly meyer. Welcome.

Thank you. My name is fred schmitt. I am a lady bird lake waterfront property prorn and resident 500 east riverside driver in the travis heights subdivision. We are a residential complex of 142 individually owned affordable condominium units built in 1971, immediately next door to greg miller's proposed 96-foot tall cws pud redevelopment project. While there are -- while there are numerous things about this ordinance that i agree with and can celebrate, there are also many problems that exist with it as written, and its attempted implementation here today, which absolutely requires and justifies opposition to it. Specifically in the case of river walk condominiums, we are zoned I lake commercial 200-foot base heights and have been so zoned for 37 years, since 1972. This waterfront overlay ordinance would reduce our aerial rights from those 200 feet to a maximum of only 45 feet, just like that. That represents a seizure of more than 75% of our current and long-standing height entitlement for potential and future redevelopment. Now, that's not to say that we would actually propose to 2 build 200-foot tall

skyscrapers someday on our five acre parcel but it does represent valuable things to negotiate future things of benefit should the opportunity arise. I acquired my existing home at river walk with that knowledge and expectation among the reasons for my purchase. If we are restricted to only 45 feet of height, which is slightly more than our existing roof lines today, then river walk would be completely unable to develop to a higher and better quality project in the future if that opportunity presented itself, whether voluntarily or as a result of natural disaster. Now, here is the bitter irony, janette, scott, Council. Without the ability to go higher, that means aws austin would never see the potential removal of four buildings now in the 100-foot primary waterfront setback zone, where a town lake trail extension, not a board walk, might one day run through there on land from the cws property next door, maybe even with deeding of that property to the city, like cws has done. You would never see reduced impervious cover. You would never see mixed use and ground floor retail along riverside drive or the granting of some roadway easement for the urban rail project and bike lanes trying to come through there before long. These consequences are in direct contradiction to the very purposes of the waterfront overlay mission. It is clear this legislation is faulty as written, and i ask you to not approve this ordinance until its many problems are fully and properly addressed. Thank you. thank you, fred. Shelly meyer, welcome.

Mayor, I'm sorry. Council Member martinez.

Because I've been involved with this all along, there's additional information when some of the speakers make comments. The particular property on 500 east riverside driver it is I zoned, and under I zoning you can go to 200 feet of height, but there's something we have in place called compatibility, and because of the proximity of single-family homes across the street on riverside -- on the south side of riverside drive, this particular tract would never be able to go to 200 feet of height without a board of adjustment variance, and a board of adjustment variance cannot be granted based on things like making it more aesthetically pleasing or providing public right-of-way. So I just want to make sure we have all of the information out there so that we can have a complete and full conversation. Thanks. thank you, Council Member. Let's see, shelly meyer, welcome. Shelly, you'll have three minutes to be followed by lindsey davis.

Hi, I too am one of the 142 homeowners and I'm a board member at river walk condominiums, 500 east riverside drive. We're indeed part of that heil sort of indicated are not that big of a deal because it's not very much in comparison to everything else, and everything else that it covers is pretty much already developed, and that we do have constraints that would property not allow us to use the full benefits of I zoning and we realize that, but nonetheless, being down zoned from 200 feet to 44 feet is a pretty significant and big deal for all of us. We're perplexed regardless, as your legal people read that it isn't necessary for you to notify us, but we feel that we should have been notified, whether you call it an overlay or a zoning change is irrelevant. It's a -- it's a big change, and we feel we should have been directly notified. We haven't had the due process or input as owners on any of these commissions so there's been some public hearings and things. We were not asked to serve on any of these boards and we have had no direct input. It is a taking of our aerial rights, which does preclude us to some degree, debatable, as to what and how much, but we are losing some negotiation tools, and some of the negotiations could be for things that would benefit the greater good of austin. Should we need to redevelop in the future. Right now, just to visualize where we sit, we have cws on the west side of us

with a planned height of 96 feet. The bluffs of Travis Heights are that high at least on the south side of us and we are sitting at a light rail choke point that during all the meetings and the mapping of light rails on Riverside they agreed something has to happen there because it's just the only place on Riverside where it's too narrow for cars and light rail to go. I don't think you can take the bluffs out underneath Travis Heights homes, so it's probably going to impact our property there too. You've approved routing of a boardwalk trail over the top of our most treasured resource, pinning us in on the north side, and that's capped off across the lake with a 332-foot legacy project directly across from us. So the canyon effect is already here. We feel we deserve more careful consideration of what the height should be for our property. We're asking you to not accept the waterfront ordinance as written because it needs more work on the details, and the planning commission agreed that the devil was in the details Tuesday night. To give us the respect and consideration to develop a proper height allowance that reflects what was needed now for this property. It's not 1986 anymore. The deals and allowances that the city has made with developers of neighboring property have forever changed the lake and our parcel and we don't feel that 44 feet is appropriate. Thank you. Thank you, Ms. Meyer. Welcome, Lindsay Davis. You too will have three minutes to be followed by Jim Shishler.

Mayor and City Council. I'm the president of the HOA at the River Walk Condominiums. You've heard from a few of us now. I'm here to share my concerns and our residents' concerns. As Fred mentioned, we have 142 residents, 142 people who have invested money in their property, and that's a great concern. As an advocate for our homeowners, we have a lot of concern about this ordinance you are voting on today, specifically for four we have not received any direct notification of this proceeding. You know as well as we do that this is not right. Our city government is not set up to run this way. Denial of due process. Our HOA board is comprised of five volunteers, and we've had less than a week to prepare our opposition to what you guys are voting on today. We have heard that you guys, of course, for 11 months, this waterfront overlay task force has been hard at work, but until recently we were not even aware that it was going to affect our property so drastically. And the fourth area of concern here is the severe economic impact upon all 142 landowners. No one thinking of big developers to buy out and buy a big condominium here. We weren't excited about CVS doing that next door anyway. We're not seeking out any sort of opportunity there, but we do have a responsibility to protect our home and our investment. Should a catastrophe occur in the 78704 area, we'll all want to see those residences rebuilt and the losses to our community and the economy mitigated. You're making that near impossible for us to do if you approve this ordinance today. We respect overall intention of the proposal -- of the ordinance and training to rein in the development of our beautiful waterfront, but the unintentional consequences of your actions is that it will throw 142 private citizens of Austin under the bus. We are pleading with you to remember and respect our rights as landowners in this great city. Thank you. Thank you, Ms. Davis. Our next speaker is Jim Shishler. Welcome, Gem. You too will have three minutes to be followed by Peter Cicero.

Thank you, member and Council Members. I have a couple points I'd like to bring up. I think the approval of the waterfront overlay at this point would conflict with the comprehensive plan for which the Council just recently hired a consultant to develop. The waterfront overlay would limit the level of development allowed in this vital area of downtown and promote urban sprawl. The revitalization of downtown and South Congress should be allowed to extend within a reasonable distance from the lake. I

attended a presentation to the congress on new urbanism by members of the task force, and the biggest contention was the height restrictions that were in the ordinance. And during that discussion one of the members of the task force stated that they had requested that cross sections of the waterfront be prepared and given to them by the city staff, and that never occurred, and so their fallback position was to go back to the 1986 height restrictions. And so what I've done is I've had some of my staff put together some cross sections of downtown, a couple at congress avenue and one at first street, and looking at them I saw that on the south side, the district called the south shore central, extends 2,000 feet from the shore of lady bird lake, and it restricts the height limit to 96 feet in this instance, within those areas. And if you're familiar with that area, there is some single-story restaurants, couple mid-rise buildings, four or five stories, but that area has a lot of potential to be redeveloped. Just to let you know, I'm a civil engineer and I don't have any projects or any clients with property in those areas, but I can just foresee that that is an area that could use some revitalization. It seems that for some reason it was skipped over and there are developments occurring further south on south congress. So I would -- I would be willing to prepare some cross sections of -- for the whole waterfront overlay district, you know, pro bono for the staff -- the task force to look at and maybe get a better idea of the impact of the height restrictions would have 2,000 feet from the shores of the lake. I would agree with some earlier comments that I don't think all the goals that were set forth for the task force to accomplish have been -- have been accomplished at this time. The bonus provisions have not been identified, and I think the task force should continue to fulfill its obligations. Thank you. thank you, mr. shishler. Peter, welcome. You too will have three minutes to be followed by steve metcalf.

Mayor, Council Members, my name is peter cicero, and I'm here tonight with the real estate Council of austin. I just wanted to follow up with a letter that we sent to you this afternoon and just kind of emphasize three points in sort of requesting a balance regarding this ordinance. We would like for the bonuses which were a task force recommendation to be included in this ordinance before it's approved on the final reading. These bonuses represent the community benefits and the chance to have good design, address green building, affordability components, while encouraging good projects along the lakefront. The second item that I wanted to clarify is that we think planned unit developments should be excluded from these ordinances. Both existing planned unit developments and pud's that are coming in the future. Pud's are kind of a separate animal, if you will, under the city code, and they're negotiated agreements with the city, and if someone comes in to tweak an existing pud, let's say to add a new type of environmental quality controls and they would have to go through this ordinance and go through this process, in a sense it would be renegotiating an already agreed upon arrangement. And that, I think, is a bad precedent for austin and a concern that we don't want to have. The last item that I think is an issue is, as we've heard tonight from several of the river walk condo owners, is the lack of notice given to the property owners, and I think if this ordinance is passed with these height limitations, I think that one of the incentives or one of the community benefits should be a way for the people whose height has been reduced to get some of that height back, whether addressing community concerns or incorporating green building or other incentives into the ordinance. And I think that's why it's important to have the incentives in this ordinance the first time that it's voted on. It seems that this is something that should go in an overall planning process for the city of austin to address our long-term goals and to address kind of our plans for this part of the city. I'd be happy to answer any questions. thank you, peter. Questions

for mr. sicero? Welcome, mr. metcalf. Couple of folks wanted to donate time to you. Is susan gull here? Welcome, susan. And how about amanda swor? Welcome. So steve, you have up to nine minutes and you'll be followed by steve drenner.

I don't need it. So we'll go. Thanks, Mayor, Council Members. I first want to see that i don't take any issue with what the task force did and I think that task force did a good job at what it was asked to do, which it was asked to go back and look at the 1986 ordinance and compare it to the changes in 19 -- in 1999. They did that, but what that doesn't take into account is that just figuring out what happened with that ordinance doesn't solve the real problem or the real issues here, and that's what I want to talk about. In 1986 austin had 400,000 people. 2009 We have over 800,000 people. In 2029 we're expected to have a million six. Austin keeps growing. And part -- austin is a different city than it was in 1986. A lot of the things that were really important to austinites in 1986 are still important today, but there's things today that are totally different, and one of the things -- some of the things I'd point out were back in 1986 affordability, sustainability, green building, none of that stuff was part of the '85 or the '86 ordinance. Those are really important things to austin today. And so anything we do on a going-forward basis ought to look forward and focus on what the important issues are to austin today, not necessarily what was in 1986. But in 198 -- a 1985 study itself that the '86 ordinance was based on -- I'm going to scroll through this, I'm not going to read it all. But that was a really good study and the goals were really good. Now, I don't think the 1986 ordinance has accomplished those things, but if you look at what the goals of '85 study were you find a consistent theme. You talk about superior planning, des mixing of land uses, cooperative land uses, something elinor kinney was talking about, extraordinary urban design, encourage pedestrian access and use of the corridor. If you go and look at the developments that have happened to date on the river, especially on the south side, have they accomplished these things? Is there access? Are they good developments? Is there pedestrian activity? That side of the lake has hardly any activity going on. I mean, the goals are valid, but the implementation has never happened. Pursuit of excellence in waterfront design. Now, one thing I do want to 7, because elinor McKinney mentioned this and others about town lake being a park and a jewel. I don't think anybody is going to argue that town lake is not a crown jewel. Not a question. No one is going to come up here and tell you that. It certainly is. And as far as park goes, i can have staff verify this, it's my rough calculations, 46% of the area in the overlay is parkland already, will never be developed. It's parks. So there's a lot of parkland out there that's never going to be touched in this overlay. I mean, austin, over half -- or almost half of that area right now is never going to be developed. Rich buried central environment in the corridor, dear to all age-groups, culture educations and expressions. I really don't think that's happened. So what I would suggest and what I would like to see is not just bringing back the 1986 ordinance, but coming and figuring out how we're going to move forward and how we're going to create the kind of developments there that we want to create. Pardon the -- part of the confusion I think has been what is the waterfront, and I think everybody can have a different definition. It's hard to define it exactly. I guess it's one of those things you know it when you see it. But I'm hard-pressed to believe that things that are a quarter mile from the lake or things that are a half mile from the lake are really part of the waterfront, because if you look at it from the downtown perspective -- but if you look at this this will show you that in a lot of those subdistricts we do have things that are a quarter mile or half mile from the lake that have height limitations on them. Well, we've talked about and we've heard about canyon effects. I think if you

walk the north shore, you do not feel that canyon effect. You go stand in front of the four seasons and look at up here, it's 340 feet from the river. Do you feel it? I mean, do you feel -- do you feel that you're walled in there? Look at the building -- look at the building, frost tower. It's 1500 feet, 1400 feet from the lake. So if you come down to the south side and you look at some of these developments, sure, no one is talking about developing any setbacks. Look at the hyatt. It's 60 feet. Sure, it feels right on the waterfront, but you start pulling back and you don't feel walled in. If you -- if you look at that riverside and congress intersection and you -- and you look at these points we're measuring, some of that -- some of the property, 786 feet away, some 1100 feet, some 284 feet, if you look at building a building, which is the first place you can build it according to the waterfront overlay, which would be on the statesman tract, it would be 150 feet away and it would be 35 feet tall. If you draw a visual plane off of that, you can see how the building heights graduate, and I think that's what they should do. I mean, if you get away from the waterfront, whatever you want to define that as, building heights should graduate. So in following up on a couple of these things, it was mentioned that -- it was mentioned that a poll was done. Okay? Well, the poll really raises the whole question of what is the waterfront. Things were asked of people like, the town lake -- should we have more development close to the river? Should town lake be protected? Well, those are broad questions that have no detail to them. I mean, the real question is what are we talking about? How high? How deep? How far, and that planning hasn't been done. There was no professional planning involved with the task force and I would urge you guys to take a look at this and not approve these height limits until the task force has been able -- or the waterfront advisory board has been able to do its job coming up with a bonus system. I'd be happy to answer any questions. thank you, mr. metcalf. Questions for steve, Council? Thank you, sir. Our next speaker is steve drenner. Welcome. Steve. Let's see, some folks wanted to donate time to you. Is dale guthrie here? Hello, dale. How about michelle houseman? Hello, michelle. So steve, you'll have up to nine minutes if you need it and you'll be followed by dale glover.

I'll be much briefer than that, Mayor. Mayor and Council Members, as you've heard others, i really don't think that there is any dispute about the priority that the waterfront should hold from a planning standpoint. It is -- it is clearly the centerpiece of the city and needs to be protected and it needs to be protected, frankly, to a greater degree than probably what has been done in the past. Much good work has been done, including by the task force, and I really want to thank you for refocusing our attention on this issue. I think it certainly merits that attention. When this process started and during the consideration, the work by the task force, I did two things that were particularly illuminating to me. One was to read and reread the 1985 task force report, and it's really a remarkable document to have been prepared in '85 and to be as valid as it is today I think reflects the careful work that was done. metcalf mentioned, perhaps you could update some of the goals and policies to include things that weren't mentioned at that point, including sustainable development, energy efficiency, affordability, but the basics, I believe, are as valid today as they were in '85. The second thing that I did was to try to go back and to understand, given those goals and policies, how did we come up with the '86 ordinance, and looking at that as objectively as we could, trying to understand if that '86 ordinance did a good job in achieving those goals and policies. One of the things that we did in connection with that was to go back and try to find some of the planners who worked on the task force back in '85, and one in particular, the planner who led that effort, was particularly enlightening. That was dan residentlaw whodrend law who

is now the community organizer 12 miles outside of portland, and to talk with him about what was the vision in '85, opinions about the pros and cons with 20/20 hindsight of the '86 ordinance and where we are today, help me form my opinions about what was good and bad about the '86 ordinance and where we ought to go and how we ought to move forward. One of those things has been hit repeatedly tonight, but let me give it to you with a little -- with his spin, if I can accurately reflect that conversation. And his suggestion was that one of the things that the '86 ordinance did in error was be too rigid, that it did not allow enough flexibility, it didn't allow the flexibility that was intended by the task force to do things better when you found a unique situation, and that included accessibility for citizens to get to the water, it included better tree preservation, it included it included having more compatible uses on the waterfront. So I think as we look at these restrictions and reexamine them, I would suggest to you that we don't want to make that same mistake again, that we want to have the flexibility to do it better, not to have a different priority other than protecting and improving the waterfront, but to eliminate tools that would allow you to do that i think would be a mistake. So I would suggest to you that retaining pud's and retaining the ability of pda's to modify the terms of the waterfront overlay ordinance to better achieve the community goals, including the community goals that are key to the waterfront is a tool that you should retain and that you should have a high standard for allowing those pud's and pda's to move forward. But I still think it's a tool that you should have in your toolbox to improve the -- to improve the waterfront. Those tools might allow you to do a better job with a slightly taller building rather than a wider building to maintain treasured trees. It may allow you to have vistas that allow you to say down to the water rather than to have the water block the views. It may allow you to say, yes, I like that design so much better than what i would get if I just have a rigid standard, and it may allow you more compatibility with other things that are happening on the waterfront. So I would suggest again that that's -- that that discretionary tool that only you can exercise is a tool that you should retain. Let me close just in saying again that there is no debate about the importance of the waterfront. I think this Council has -- has done a good thing in refocusing our attention on the waterfront, and as you move forward toward a final action I would suggest to you that you keep drentlaw's comments in mind and allow flexibility, flexibility again that you can exercise to improve the waterfront as we look forward to future generations of aught austinites and their ability to enjoy that waterfront. Thank you. thank you, mr. drenner. Let's see, dale glover? Dale glover signed up wishing to speak. Welcome. Let's see. Is greg anderson here? Hello, greg. So dale, you'll have up to six minutes if you need it and you'll be followed by ed norton.

I emailed this to you ... First of all, thank you for your time and allowing us to have this public comment. I'm -- my name is dale glover and I'm speaking on behalf of the congress for new urbanism, central texas chapter. Our membership is comprised of people active in the fields of urban planning, architecture, engineering, sustainable development, green construction and other real estate services. Cnu shares many of the common goals with the task force, mainly protection of the waterfront environments, greater public enjoyment of the waterfront through access, open space and public amenities and also ensuring high-quality urban form on the waterfront and adjacent lands. If you read through that all letter you'll also see that within the 1985 golden policies they're written in, there are some that we pulled out to just accentuate, but that's not really what I'm here to talk about. We understand that in its current form this ordinance includes only the first days of the task force recommendations, which are basically the restrictions. Without the second phase or the bonus

provisions or the sweet stuff, we just -- i guess our ask is that you expedite the establishment of the advisory board and include the bonus provisions, either before or after the advisory board is put into place. In regards to the bonus provisions, we're advocating for form-based code to achieve benefits and goals of our community desires, with its focus on setting clear perspectives and parameters on building and on architectural form. It's far superior regulating tool that uses -- been a use of bonus methodology or matrix, as it can better protect neighborhood distinctiveness, secure predictability of developments and objectively guide the formation of our public spaces, and I know that there's other planning initiatives that are happening and in progress, so congress new urbanism, central texas chapter will continue to advocate for the city's adoption of form-based codes, but also, to conclude, and finally the last thing that we have to say is the addition of the administrative site plans within the current code, we would ask that -- that there would be a modification to reduce the regulatory burdens and costs and pull that from the current code that you have written in your documents, just the administrative site plans, and that's all. Questions? thank you, mr. glover. Questions for dale, Council? Thank you, sir. Let's see. And I think ed norton will be our final speaker. Welcome, ed. You too will have three minutes.

Thank you, Mayor. Thank you, Council Members, also, for letting me speak tonight. I'm a co-owner of the property at 512 east riverside, which is next door to the condos that have been spoken about this evening. And I don't -- I have a lot of the same points, but i think -- I think that you ought to send this back to the task force and ask them to notify us as property owners and include us. I think it's the right thing to do. And I think we ought to do the right thing, and I heard about the rules, that it's an overlay, but basically it is going to take away from 200 feet down to 45 feet, which by the way, is lower than any compatibility standards. They're higher than 45 feet. So this does lower it below the current compatibility restrictions in the neighborhood. And so I think that's even more restrictive than it should be, but I think that we ought to be involved in the process. We're property owners and we bought the property hoping to, you know, maintain the value of our -- of the property that we bought. We bought it a few years ago, and we ought to be involved in this process, and we should be invited to be involved and included in it. I think it's the right thing to do, so I would ask you to send it back to the task force and ask them to involve the property owners in the process. I think it's fair, because it is reducing our height below even compatibility restrictions, and if those restrictions are in place and they govern this property, then so be it. They're there so long as those single-family residences are on the southern part of riverside. And we accept that. They may not be there someday and it will be a different story. And in terms of fairness, i think that we shouldn't be reduced below -- if you do decide to reduce it from 200 to 96, then I think we should be at 96 feet as well, and if we're held to a lower height due to compatibility, then so be it, we are. But I think that the fair thing to do is to make all the tracts subject to 96 feet, if that's the new standard that everybody feels that we need to do, then we shouldn't be lowered down to something below a compatibility standard, and I don't think it's -- i don't think it's fair and i don't think that's, you know, equitable for us as property owners. So otherwise, I think everybody else has made all the other points that I've made, but I think that -- i don't see any reason that this has to be rushed through without thoughtful planning. I think we should be included and we should be part of the planning process, and -- you know, and for the condo owners and us, we don't have any -- we're still improving our property and making it nicer for us and for our neighbors, and we don't have any interest to run sell it and for somebody to build a high rise. So I don't see what the emergency is to not include all of us in the

process. Did you have a question. thank you, mr. norton. Mr. martinez?

I wanted to clarify -- i wanted to clarify, the mention of I zoning at 200 feet of height. I realize your subdistrict drops you down to 45 feet, but it was mentioned that I zoning granted 200 feet of height, and all I was saying was that compatibility would limit you to 60, and i believe 80, about halfway across your tract.

Which -- but I'm just saying this ordinance takes it down 45. I understand and I think when you hear the deliberation that's about to take place with Council, some of your comments and concern are well noted and I hope we will be able to address them and maybe we won't move forward tonight completely without some notification of property owners and things of that nature.

We just thought -- I just think we ought to be treated equally with the other properties that are affected by this ordinance. I appreciate it. appreciate it. Council Member shade, do you have a question? well, my question was what would the compatibility -- what would that mean for your property. So instead of 200 you acknowledge it would be less than that, but it would be 60, as Council Member martinez said, or 80, which is still lower than 96 but higher than 45, which is what your subdistrict would -- which I think the point is that that makes it really hard to have the incentive to do as the folks said earlier, whether you're trying to get, you know, to 60 or to -- I mean, you don't have any room to go if you're below -- if you're below what your entitlement would have otherwise been.

Yes, I agree. you have nothing to play with. I understand that.

But I'm just saying, it doesn't seem like the overlay ought to be more restricted than compatibility.

Because it takes away the opportunity for negotiation.

Yes.

Shade: right. I understand. I want you to know we understand that point. I get that and I see that there's a problem with that. Thank you.

That's great. Thank you. thank you, mr. norton. Council, that's all the folks who signed up to give us testimony in this public hearing, item no. 64. Comments? Questions of staff? Or anybody else? Council Member martinez? well, Mayor, i just -- first of all, I want to thank everybody for coming tonight. I want to thank everybody for all the work they've done. It's been a year of hard work. I want to thank staff for being at every one of the meetings, for the volunteers dealy for chairing the task force. I want to thank my aide andy moore to attended every single meeting as well. I think what we have in front of us today is better than what we're operating under today, and, you know, I believe that the work that has been done is going to provide an ordinance that speaks to a lot of the values that we have as a community, and I'm prepared to make a motion to begin discussions, Mayor, if that would be appropriate.

Mayor wynn: sure. I'll entertain a motion. I would like to move that we adopt the planning commission's

recommendations with one change. heil, are you writing this down? It would basically just be adopting the planning commission's recommendation, 715, section a, part 2, where it begins "review of administrative site plan," i would like to incorporate staff's recommendation of administrative site plans are not required to be reviewed, et cetera. Do you have the -- both sets of the ordinance in front of you? Or should I read the whole thing for legal purposes? Okay. The staff recommendation is under section a, part 2, is administrative site plans are not required to be review waterfront -- what is that acronym?

Wpab. yeah, what is the acronym? What's the p? Waterfront planning advisory board. Thank you -- copies of all administrative site plans will be forwarded to the waterfront to allow them to maintain a comprehensive understanding of all development activity within the waterfront overlay. And that's the staff recommendation. And then -- and my motion there is just for first reading tonight. I believe that we still have some work to do. There were some issues that were brought up this evening that we can still address. Under part 7, I just need to ask a point of clarification because there's a staff recommendation under section a, part 1 that's approval of site plan variance by land use commission is required if the applicant requests a waiver from a requirement of this part under section 25-2-713. What I'm trying to understand is if this particular section, part 7 a, says the subsection provides -- this subsection provides requirements for review and approval of site plans, I'm curious as to does -- if they're requesting a variance and therefore it's denied, is the site plan denied at that point as well? Because that's, in my reading of it, that's how i interpret that, is if they deny the variance, then the site plan is denied, because under this subsection it's approval of site plan.

Yes, I believe that is a correct interpretation. If they are requesting a site plan that includes variances and those variances were denied, then the site plan would be denied. and what is -- what is the intention of staff to deny the entire site plan even if just a variance is denied?

The intention is to -- that if the variance is denied, then that would indicate that the site plan would need further evaluation, and could come back for further review and potential eventual approval, potentially with a different variance or without the variance.

So it could still come back. They could amend it and still come back with the site plan.

Yes. And I'll get clarification on that point. I appreciate it. And then last I wanted to add to it that -- first of all, I wanted to ask, what do we think it would cost the city to notify the 200 or so property owners, and can we do that within our notification budget?

What would it cost to notify 200 property owners?

I don't know exactly how many it is. If it's 200.

If we were to only identify those property owners within -- whose base zoning is higher than the waterfront subdistricts, i think that would be a fairly minimal cost. I think that another approach might be -- so to notify all the property owners in the waterfront would be a higher cost. As to what -- how that would fit into the exact notification budget, I don't know. The notification budget is in part driven by fees,

so when you apply for zoning, a zoning change, you put in money to defray the cost of those. Since this is city initiated, that money is not there, but I can't really speak to how much money is in the budget of the notification section. how about we just -- how about we move forward with notification before second reading of property owners who are losing entitlements because of the reenactment of the '86 height limits?

That is certainly something we could do, or we could also notify -- there are a number of options. let's start there and see where we end up.

Okay. Mayor, can I ask -- that's my motion. I wanted to ask Council Member martinez for a friendly amendment. well, let's get a second first.

Cole: I'm sorry. we have a first reading motion by Council Member martinez, planning commission recommendation noting -- however the staff's recommendation on the appropriate section 25-2-715 2, with further instruction regarding notification of property owners whose entitlements will be decreased.

Martinez: yes. I'll second that for discussion. Council Member Cole? I'm sorry, but we -- you didn't have any estimates on the cost of notification to all the property owners as opposed to just those whose height limits had been decreased? I'm wondering if you could possibly get that information to us and -- well, I don't know, can we make a subsequent decision to notify all the property owner -- or just go ahead -- okay. Let's notify all the property owners. so we have a friendly amendment accepted that includes notification of all property owners in the waterfront overlay. Council Member leffingwell? yeah, this may be a question for legal, I don't know, but we have certain requirements -- certain situations where notification is required, so if we do -- if we begin the process of doing notifications where they are not required, does that establish a precedent for just random notification, whenever we feel like it or whenever somebody asks for it or does that mean we're going to have to notify for everything we do?

Our process does already include some courtesy notifications. For example -- so there are -- there are plenty of times in public discussions where we do courtesy notifications. For example, when someone first applies for a zoning case we send out a courtesy notice. It's not required by state law. Also throughout our neighborhood planning process we send out numerous notifications that are designed to keep the community informed and let them know of public meetings but are not necessarily required by state law. So I think that the -- that this would be in keeping with past city practices. As to whether that establishes a legal precedent, I would -- I'll defer that.

Greg guernsey, direct of neighborhood planning and zoning. There was back at a time in the '90s we did something called an east austin overlay, and it was a time before we did neighborhood plans and down zoned many properties in east austin. And the overlay, when it was put in place, we did a courtesy notice to the area affected by the east austin overlay, which was pretty much east of 35 and north of lady bird lake, and it would have been west of airport boulevard, and we did that as a courtesy notice, because Council pretty much asked. And it did affect properties because we required a conditional use permit if you're building in li or cs or some of the more intensive commercial and industrial districts. But it was a courtesy notice. And so we did that. But it's not done all the time, and we recently approved the

large house ORDINANCE, the McMansion ordinance, we didn't notify every property owner within the core of our city that was affected by the McMANSION ORDINANCE, YOU Know, if they wanted to redevelop their property, they might be subject to a tent or height might have dropped from 35 to 32 feet. That's not to say we couldn't have done a courtesy notice at that time. We could have done that too. That received a lot of attention. The east austin overlay received a lot of attention, and so at the time that these items have come up, it was at the discretion of Council, and we can certainly provide a notice and send that to the property owners that are within the waterfront overlay, if that's what your desire is. I don't think we can do it by the 14th but I think we could probably do it by the 21st of may, if that's your desire. But it would be a courtesy notice. It's not something that's required by code. So we can do that if that's your desire. thank you,. so I guess being a courtesy notice it wouldn't be a big deal if someone thought they were entitled to notification didn't get it? yeah, let's say if there was an error in the notice, for some reason, it's still a courtesy notice that we're providing. I think there's a lot more attention now, tonight, and especially those property owners that are affected, if you're only doing first reading, there is certainly opportunity for those people to provide additional comments and analysis that they have before they come back after we do the courtesy notice as well, if that's your desire.

Leffingwell: okay. One more question for the maker. You did not close the public hearing with this motion or -- or did you? I didn't, but I'm okay with closing the public hearing as well. I think we've had enough public discussion and i think it will continue whether or not it's through a public hearing. So I'll add that to the motion as well and just for clarification purposes, it will be a courtesy notice. and I accept that as a recharacterization of the motion. Leaf I would like to suggest a friendly amendment that we leave the public hearing open. why didn't you just say that the first time?

[Laughter] that's fine, Mayor. I'm okay with it.

Mayor wynn: all right. I'll accept it. you won't be here.

[Laughter] with any luck at all I won't. So public hearing will remain open, first reading only motion by Council Member martinez that I'll second. Planning commission staff recommendation with the one -- planning commission recommendation with the one city staff recommendation, including a courtesy notice for all property owners in the waterfront overlay. Council Member Morrison? I want to speak just a minute to the whole issue of whether or not pud's would be exempted from this and the heights could go higher. There's been a lot of discussion about that, and for me I think it's really important in looking at that issue to realize that for the vast majority of what we're looking at, property is going to be able to increase the height that it is in its base zoning district by, say, 50% or something. So it feels like we're just not only pushing the envelope there but wanting to maintain some way to go even beyond that once it's already been done, that expanded significantly. And I think our community, what I hear overwhelmingly from the community and from the task force, that those maximum heights are a community value. Too many times I've seen -- I've seen heights and other giveaways in the name of community values where there is real serious discussion one way or another and disagreement about whether that's really community value, and I think that the community has spoken quite clearly here that limiting the height is very, very important in that -- excuse me pud's would just allow for a loophole for that. Now, we may feel like we have good sense and judgment and when we can judge the community

as it stands now, but I'm not sure we would always be right by any means, and if we don't institutionalize it and put it into the rules that they can't be -- thank you -- that they can't be exceeded, I think we're just going to see it used as a loophole and a lot of disagreement in the community about that. So I wish that we would not exempt pud's, and I'm loathe to suggest it as a friendly amendment because I don't believe it would be accepted. So what I would like to do instead is suggest an amendment that asks the waterfront and planning advisory board to make some recommendations that we can consider adopting to set a higher bar than normal in a pud if, in fact, it's going to exceed the maximum height in the waterfront overlay. I can think of a couple. I'm not sure that we could come to consensus on these. One, for instance, to require a super majority vote on a pud if it exceeds the waterfront overlay maximum height, or something that I don't feel would be very strong, but it's sort of the other end of the spectrum, and that would be to put adhering to the maximum heights in the tier 1 requirements for the pud, for -- just to put a little bit of a standard. So what my recommendation -- my request here is -- as a friendly amendment is that we direct the waterfront planning advisory board to bring to Council some recommendation on alternative for setting a higher bar when a pud would exceed the maximum height. I'm fine with that too, Mayor. so I guess technically, then, Council Member, I guess if we look at maybe the second page of 12, it starts to list all of the -- yes -- -- recommendations to be provided by the board, and, you know, some of them are -- I mean, some of them are -- I would characterize as quite specific. Some of them are sort of, you know, goals, and so --

martinez: like add a k? well, that -- if we studied this long enough we'd probably see where it would insert itself into an existing line item or we could just -- just -- 2 of 12.

Mr. howe?

Mayor wynn: yes, please.

With your allowance, I've got a suggestion there. The very last provision -- part 24, the city manager is directed to process code amendments necessary to do the development bonuses.

That basically directs staff to start working with the waterfront planning advisory board to develop the bonus provisions, and that might be the most natural place for including develop the bonus provisions and develop recommendations for how pud's in the waterfront overlay could be handled.

So that's on the very last page of the ordinance.

I can see -- I can see that that could make sense because those are sort of set up recommendations.

So that's in part 24.

well, as the second on the motion, I see that that's, you know, very appropriate part of -- i mean, frankly, I'm a little frustrated that -- in a perfect world, of course i think we all would recognize we'd like to see -- I think we'd like to see the bonus provisions established as part of this dialogue.

It's a little unusual, unorthodox, seems to me, to -- you know, to have the makings of the ordinance and then just acknowledge that there's going to be -- the other half -- the other side of the coin, that is, you know, the bonus provisions, will come later.

So just recognizing that that's just sort of the structure of this format, it seems to me that within that, that is, the work that still needs to be done on the bonus provisions, pud's -- I mean, the whole concept of pud's in theory is you have a superior product.

There's something that allows, you know, that scale of a project to be considered superior, and so I could see how as part of, you know, developing the -- acknowledging the existence of the pud's and the usefulness of a superior product, you know, ultimately we have to try to define what's superior, just like we're trying to define what are the positive elements of the bonus provisions.

Martinez: It also allows for more density in the urban core.

I think that while this may not be an absolute for some of the I-zoned properties, are and may not be an absolute for someone that, but it is what the Council's values are and it is codified in this language.

But I guess for me I've always taken the approach that I really don't believe one size fits all in every single case.

I just don't.

We can always do better.

We can always get better.

So if there's an opportunity to get better, if there's an opportunity to make a project more compatible and more in line with our values, then I think we should afford ourselves that opportunity.

I really appreciate all the work that's been done, but i 's a loophole, it's a planning tool.

request is made, this Council knows exactly what it is.

And I don't see it as something that's going to be so detrimental to the work that we've done in the waterfront overlay.

Mayor Wynn: Council Member Morrison.

Morrison: Just two things.

First I want to acknowledge the leadership that this Council showed last year before Council Member

shade and I were on it in terms of supporting community and working out that cws deal.

That was really a great step for the community.

Also, I wanted to mention that the planning commission had made the recommendation that the -- that we appoint the new board within two months and then asked that their recommendations come back to us on the bonus provisions and I guess on the alternatives for higher standards to consider within six months.

I think that's the timing that the planning commission recommended.

Commissioner dealy is nodding her head.

So I don't know if that would go in the ordinance also, but I think we might want to consider having that direction.

Martinez: I'm okay with appointing the waterfront planning advisory board within two months, but i want to keep in mind that as of august 1 all our appointments sunset and there may be some changes.

It may not be the same folks.

So we may consider waiting until august 1 as opposed to within two months appointing an advisory board that on august 1 may drastically change depending on the makeup of the Council.

I don't know that -- I just want to have consistency.

I want us to have the best, brightest folks because this will be a very difficult conversation.

But I don't want 30 days after that conversation starts for three or four board members to change.

Morrison: Could we ask commissioner dealy if they thought about that, when they made their recommendation that there could be a change of two to five or commissioner anderson also.

Mayor Wynn: They're SHAKING THEIR HEADS NO.ngwell: I think that will be about two months.

I mean, this -- it says within two months of the adoption of the ordinance.

So in june and july and then AUGUST 1st.

Mayor Wynn: Council Member shade.

Shade: There were several other items that the board asked that this board study and I'm reading from that.

Where are those?

The very first one is how to handle p.u.d.'s.

The first one is whether to tweak 1986 limits and whether or not to create a height variance process.

There were several questions that were raised at the planning commission from Dave Sullivan, the chair.

He asked about whether to require 3-d renderings of projects with site plans.

There were several things that were asked for and I was under the impression that those had somehow -- that those were somehow part of the charge of this advisory board when it was put in place.

And I'm just wondering how does that happen procedurally?

Is that in here and I'm just missing it?

Robert Hylegin.

Those were not included as part of the changes to the ordinance.

Those were additional recommendations from the planning commission.

And in your own amendment review sheets, which includes all the comments on the boards and commissions on the last page, there is a list of the subjects that the planning commission asked the waterfront overlay advisory board.

So they approve it had with changes and separately they made a recommendation that once the waterfront overlay advisory board convenes that had they look at the list of subjects.

Those are included in the code.

Shade: I want to make sure we don't lose those, especially over the summer and with changes, etcetera.

And particularly with respect to this discussion that we've been having about the Riverside place and these places where clearly some of the height limits and tweaking with some of the districts needs to be examined.

And I also just want to make a comment, which is to say that I feel like it's really a loophole.

I think that the challenge for us is to come up with how to work to make sure that we're providing the right incentives.

I mean, loophole is -- it's a great word to imply sir cum vengs and getting around a rule and there was a lot of discussion I thought that was thoughtful in what mary arnold read of sandra kirk's comments at the planning commission, which I watched with great interest on tuesday night.

But I think it's really important to recognize that ordinance, which was amended pretty significantly before I got on to the Council, the whole intent was to -- was to actually incent better development.

And I think that to forget that, I mean, if we need to -- it's an incentive, not a loophole.

I agree we need to set the bar high.

I want to acknowledge and thank the people who have worngd on this.

I want to make a public thanks to the people who served on the taskforce and the people who have most leent reently been working on it.

But I want to acknowledge as mary alluded to that there have been years and years and years of people doing this.

And not only was there the '85 group, but we have the town lake waterfront overlay district discussions that happened in 2002. We have the town lake waterfront overlay advisory board that existed and worked with larry spec.

I mean, there's a lot of information out here.

And I think that what that suggests is that there are a lot of people for the last 20 plus years that have been trying to figure out how to incent the right mix of buildings.

And parks and structures and open space, etcetera.

And I think that to not acknowledge that and to only be talking about height limitations is very limiting.

And I just -- just one other thing.

I want people to realize that between first and second reading that I think there needs to be some additional work and I'm very committed to doing it.

But it is not in any way because of a lack of passion and support for this Council jewel.

I think it's absolutely because we have to get the incentives right.

Because it is the crown jewel.

All the more reason why the incentives have to be right.

And my last comment on it is something that I dug up that was what lady bird Johnson said at the very beginning when this town lake, the trail was set up in the first place is she said i urge you to look long at this river today and pull all the imagination I know you have and visualizing how it can become a river for all seasons and for all people.

And I think that's absolutely critical as well.

And I don't think we're quite there the question.

There -- I don't think we're quite there yet.

Mayor Wynn: We have a motion and a second on the table, first reading only, public hearing remaining open.

Further comments?

And with the additional direction of a courtesy notification of all property owners.

And it seems like staff's estimate of that was that just because -- just based on that I'm sure there are other things you all will be considering, but that may 21st seemed like a reasonable time.

May 21st would allow us to assemble the list, get the notice out and give people reasonable time for notice of the meeting.

Mayor Wynn: Council Member shade.

Shade: I forgot I had one friendly amendment that I wanted to ask did b. too.

I forgot about that.

This has been in many discussions that I've had with people who served on the taskforce and with staff to explicitly state that in this discussion about 's that property that's located in a p.u.d.

Existing on the date of this ordinance is not subject to this ordinance as long as the property remains in the p.u.d. I think that the law department has suggested that that would be important to explicitly state and so i would like to make that amendment.

Mayor Wynn: I think that's inherent in the ordinance, but yes.

Shade: And I purposely took pda out. Is that right?

Mayor Wynn: Motion and a second on the table. First reading only.

Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on vrs reading only on a vote of seven to zero. Thank you all very much.

Actually, Council, that only leaves us now with our -- the final piece of our closed session agenda, that being the performance evaluation of our city manager. So with that pursuant to 074 of the open meetings act, we will go take up item 41 in closed session, so that ends our public agenda for this evening. I would guess that we're going to be in closed session for the next 45 minutes or so, perhaps. And at some point I will come out to formally adjourn the meeting. We are now in closed session. Thank you.

End of Council Session Closed Caption Log